

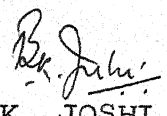
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B.K. JOSHI
DIRECTOR

Encl: Ph.D. Thesis

Civil Liberties and the State In India : A Study of the Role of Some Voluntary Organisations

THESIS SUBMITTED
TO THE
KANPUR UNIVERSITY, KANPUR
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

BY
POOJA JUYAL



Under the Supervision of
Dr. B. K. JOSHI
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GIRI INSTITUTE OF DEVELOPMENT STUDIES
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This work, being submitted to the Kanpur University, Kanpur, for the consideration for the award of Doctor of Philosophy in Political Science has not been submitted whether in whole or in part thereof elsewhere for the consideration of any degree.



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1993

ACKNOWLEDGEMENTS

I would like to express my gratitude to Dr.B.K. Joshi, Professor of Political Science and Director, Giri Institute of Development Studies, Lucknow, under whose supervision I have carried out this research. I am grateful to him for encouragement as well as for the patience and tolerance with which he has guided this work.

I am deeply indebted to the Indian Council of Social Science Research, New Delhi for granting me a Teacher Fellowship for research, which was tenable at the Giri Institute of Development Studies, Lucknow.

To Isabella Thoburn College, Lucknow I am grateful for permitting me study leave to avail of the research fellowship.

In course of the study of this research, I came in touch with many voluntary workers and activists who shared of their time, and their insights and also documents. Too numerous to be mentioned individually, I would like appreciate their help and cooperation.

I am very grateful to the Library Staff of the Giri Institute of Development Studies for their prompt and courteous help at all times.

At several points of time I have used the Library at the Indian Institute of Public Administration, Delhi, the Documentation Centre at Lokayan in Delhi and the Library at Indian Social Institute at Delhi. I thank them for their help.

I am extremely grateful for the painstaking assistance of Mr V.K.A. Achary and Mr Manoharan, K. for final typing of the thesis.

To Ashish Madhwal, who helped in the arduous task of proof reading - a warm thank you.

On a personal level I would like to acknowledge with gratitude the unquestioning support I have received from my family at all times. Gita Madhwal, Vinod Juyal and Amita Juyal have cherished and sustained.

To my local support network of friends, Sushma Raturi, Ruth Chakravarty and Purnima Revis - grateful thanks for helping in numerous ways.

And finally I would like recall the encouragement and inspiration of some people - no more with me - and yet constantly in the images of the mind.

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PREFACE

Liberty has been a key theme of political philosophy. The constant dilemma before political philosophers has been the issue of reconciling man's natural inclination towards freedom, with organisation and control which are the primary characteristics of the State. The continuous quest has been to make possible an orbit of freedom for an individual, harmonise it with similar claims of other individuals and reconcile it with the needs of the state for a degree of autonomy to enable it to regulate competing claims and maintain order and stability.

Liberal democratic theory has attempted to balance the inherent contradiction between the claims of the individual and the authority of the State by emphasising the principle of accountability of authority and buttressing it with institutional mechanisms like fundamental rights enshrined in written constitutions, right to franchise and separation of powers.

However institutional mechanisms alone cannot protect and preserve liberty. Constant vigilance alone is the best guarantor of liberty.

Constraints to liberty may arise from the prevailing economic arrangements in society. Thus a

grossly unequal distribution of income, wealth and resources can also restrict liberty. Poverty thus has grave consequences for liberty. For people caught in a miasma of poverty, liberties would remain but a paper promise. Moreover deprivation gives rise to grave social problems like the prevalence of bonded labour, child labour, women's exploitation, criminalisation, problem of shelter, homelessness, etc., which also tend to diminish liberty.

Further, liberty may be restricted by certain customs and institutions prevailing in society. For example, in the case of women, the patriarchal organisation of society gives rise to social practices which restrict women from exercising their fundamental rights. Thus societal practices too restrict liberty.

Protection of liberty therefore calls for dedicated and committed action, apart from constant vigilance on the part of individuals and groups.

In recent years, there have appeared on the Indian scene several groups and organisations variously described as Voluntary Organisations, People's Organisations, Action Groups, Social Action Groups, etc. which have grown up around some perception of the problem of poverty, denial and marginalisation faced by the poor and deprived sections.

While some voluntary organisations aim to contain the repression and force that inheres in the machinery of the State, others are constructively involved in assisting the process of development by evolving methods which do not adversely effect other segments of society. Still others attempt to assist suppressed and vulnerable groups, e.g., tribals and women, to assert themselves to fight for their civil liberties. Some organisations are also involved in framing development projects which would encourage self-reliance among these target groups.

Much of this activity is located at the grass-roots level, for owing to the wide-spread prevalence of poverty and ignorance at this level, many and frequent inroads are made on the civil liberties of the people. Moreover the entrenched class-power dominance at these levels often prevents the State from making much of an impact on the lives of the poor and down-trodden.

From the vast array of voluntary organisations, we have selected two categories as subjects of detailed study and analysis in this study. The first category consists of those which are directly concerned with the issue of civil liberties. This includes organisations like the People's Union for Civil Liberties (PUCL), the People's Union for Democratic Rights (PUDR) and the Citizens for Democracy (CFD). The second category

includes organisations which have made Women's rights the subject of their concern. These are Manushi and Suraksha.

Even civil liberties organisations which initially concerned themselves with civil liberties in the individual-state equation, have now expanded the scope of their activities and concerns to include threats to civil liberties arising from poverty and marginalisation of the poor. The orbit of their concerns therefore has become comprehensive and diverse, encompassing issues like the condition of undertrials, problems of slum dwellers, problems arising from industrialisation and urbanisation, bonded labour, etc.

The issue of women's rights and status is another facet of the complex subject of civil liberties and its interdependencies. It brings into sharp focus the question of the complex interlacing of social structures and economic forces working towards depriving women of their civil liberties. This deprivation is particularly apparent in the case of women belonging to the weaker sections of the society.

The struggle of the women's groups extends beyond the state which guarantees fundamental rights, to cover oppression which is endemic in society. It also encompasses prevalent and deep-rooted social structures

and attitudes because ultimately the key to improving the lot of women lies beyond mere constitutional guarantees and social legislation, in a change in social attitudes.

In the following study "Civil Liberties and the State in India : A Study of the Role of Some Voluntary Organisations", Chapter I takes a look at the evolution of the idea of natural rights in which the notion of liberty has its moorings.

Chapter II an attempt is made to define the terrain of Voluntary Organisations. Part I raises the question : "What are Voluntary Organisations?"; Part II traces the relationship of the Indian State with Voluntary Organisations; and, Part III attempts to understand the recent phenomenon of Grass-roots Voluntary Organisations.

Chapter III entitled "Outlining the Parameters of State Control" explores the civil liberties groups we have picked for examination and is divided into four parts. Beginning with a short Introduction, it goes on to discuss in Part II the activities and working of the Citizens for Democracy. Part III, closely examines the two groups - the People's Union for Civil Liberties and .

the People's Union for Democratic Rights. The Chapter concludes with Part IV which is an analysis of the working of all these groups.

Chapter IV takes an overview of organisations upholding women's rights in India tracing the history of such efforts from the Social Reform Movement to the National Movement, the post-independence period and upto the post-1975 period.

In Chapter V, dealing with the two women's organisations selected for detailed study, is again divided into two parts. Part I covers Manushi and Part II is devoted to the study of the other women's voluntary organisation, viz., Suraksha.

Chapter VI of the study attempts to discuss certain conclusions about the role of voluntary organisations in enhancing liberty.

CHAPTER I

TRACING THE ROOTS OF THE HUMAN RIGHTS IDEA

It may be pertinent to closely examine the issue of "liberty" in political theory. It is a frequently, though loosely, used word. Its normative nature and abstract quality are perhaps a hindrance in understanding its correct usage. Isaiah Berlin has testified to this over-use of the political term 'liberty':

"Almost every moralist in human history has praised freedom. Like happiness and goodness, like nature and reality, the nature of the term is so porous that there is little interpretation that it seems to be able to resist."

The term liberty entered political discourse in a popular way after 1789 with the call given by the French Revolutionaries from where it was disseminated into political thinking and the written constitutions of newer countries. Nevertheless the notion of liberty is as old as political thought itself, forming the core of Stoic political thinking.

Its influence spread via Roman Law which is rooted in the concept of Natural Law, and it remains a part of modern political thought. It has received primacy through the forum of the United Nations and its close involvement with the issue of human rights.

The issue of liberty, according to Barker, is wrapt up in the idea of the development of the individual human personality and closely related to the notion of justice. He explains it :

".... if justice be regarded as the primary social and political value - though grounded itself on the moral development of its capacities - then the procedural rules required by justice may be considered as the secondary social and political values, and we may say, 'First Justice, and then the rules of Liberty, Equality and Fraternity, which follow from Justice'."²

Thus liberty is never an end itself, it is a means to an end.

The condition of liberty has been described "as the eager maintenance of that atmosphere in which men have the opportunity of being their best selves."³

Laski has offered a wider explanation too. He says that liberty may be defined as "the affirmation by an individual or a group of his or its own essence."

Laski points to the conditions of liberty :

"It requires on the negative side the absence of restraint upon the exercise of this affirmation; and it demands on the positive, the organisation of the opportunities for the exercise of continuous initiative."⁴

Barker perceives it as the principle which recognises every individual as a moral person, a free agent capable of utilising the available rights for his growth.⁵

However the idea of liberty cannot be understood without the significant role played by law, control and restraint in its exercise. Untrammelled liberty is license. And liberty has been described as "freedom within restraint or "freedom within law". It balances the individual's choice with rational and justifiable restraint" upon it. This regulated liberty makes liberty possible, and meaningful. Barker has termed regulated liberty as "the greatest common measure of liberty."⁶

Let us look at Barker's statement :

"Legal liberty just because it is legal, is not absolute or unconditioned liberty. The truth that every man ought to be free has for its other side the complimentary and consequential truth that no man can be absolutely free. The need of liberty for each is necessarily qualified by and conditioned by the need of liberty for all; and the liberty of A will therefore be such a liberty as he can enjoy concurrently with the enjoyment of similar and equal liberty by B and C and D Because the liberty of each is thus relative to that of the other, and has to be adjusted to that of others, it must always be regulated; and indeed would not exist unless it were regulated."

This compatibility of liberty with law is also brought out by Hobhouse. He says :

"We draw the important inference that there is no essential antithesis between liberty and law. On the contrary, law is essential to liberty. Law, of course, restrains the individual; it is, therefore, opposed to his liberty at a given moment and in a given direction. But equally, law restrains others from doing with him as they will. It liberates him from the fear of arbitrary aggression or coercion, and thus is the only way, indeed the only sense, in which liberty, for an entire community is attainable."⁸

The idea of Natural Law, upon which the idea of justice has been posited has remained a core idea of European political thought. However, while holding on to its essential moral core, it was understood with some differing nuances. The Stoic understanding of natural law was philosophical, the Romans linked it with jurisprudence, the mediaeval thinkers understood it as being linked with morality.

Let us examine the idea in some detail. For the Stoics, Natural Law was based on the belief that every human body was a reflection of the cosmic reason. Barker explains it thus :

"The creed, in the form in which it was developed by Zeno and his successors, was built on a single premiss, and issued in three different conclusions. The premiss was that men, in their essential constitution and nature, were rational beings who were each divinae particula aurea (a 'fragment' as they said, or detached part of cosmic reason), and who altogether shared, if only as such 'particles', in the all-pervading reason, which was the constitution and nature of God."⁹

The Stoics formulated the doctrine of natural rights as something which were not the privilege of particular citizens or cities, but as something which were universal, which were the entitlement of all human beings, by virtue of the fact of being human.¹⁰

From the Natural Law idea could be derived the principle of liberty : "that men should all be regarded as free and self-governing"; the principle of equality : "that men, being all in their essential

nature rational should be regarded as equal in status"; and the principle of fraternity : "that men being united to one another by the common factor of reason, should be linked together in a solidarity of world society".¹¹

It is relevant to understand the use of the word "nature" in Stoic thought. Barker sees it as :

"the keyword of a religious ethical conception of what should be in the spiritual world rather than a term of art denoting what actually was in the material world of substance and flesh The Stoic canon of living 'in agreement with nature' was, therefore, fundamentally a canon of living 'according to the norm which a man ought to realise'. We may even say, in a paradox, that nature was man's art : it was man's conscious effort to fit himself into the universe, of an ideal by which he could judge the mere given facts of his life in the past, and by which he could shape his life for the future into its rational God-intended 'natural' form."¹²

Thus God was carrying out the governance of the universe by the natural principle of Reason, and the world of men should also attempt to emulate these ideal principle.

Phyllis Doyle points out that the Roman lawyers attempted to interpret this philosophy into a "practical scheme of jurisprudence."¹³ Cicero interpreted Natural Law in this manner :

"There is in fact a true law - namely, right reason - which is in accordance with nature, applies to all men, and is unchangeable and eternal. By its commands this law summons men to the performance of their duties; by its prohibitions it restrains them from doing wrong ... To invalidate this law

by human legislation is never morally right, nor is it permissible ever to restrict its operation, and to annul it wholly is impossible ... It will not lay down one rule at Rome and another at Athens, nor will it be one rule today and another tomorrow. But there will be one law, eternal and unchangeable, binding at all times, upon all peoples; and there will be, as it were, one common master and ruler of all men, namely God who is the author of this law, its interpreter, and its sponsor."¹⁴

The concept of Natural Law binding on all men, and natural rights belonging to all men was also articulated in the philosophy of Thomas Aquinas. Human Law was to be derivative from Natural Law, and should give force only to what is inherently reasonable and right.¹⁵

John Locke whose writings were able to influence declarations and political events of his time was a believer in the notion of natural rights deriving from Natural Law. However an understanding of the evolution of the Natural Law idea must take cognisance of changes emanating from the decline of feudalism, the growing capitalism and the advent of the idea of the State.¹⁶

The State had come into existence around the sixteenth century as a result of a slow transformation of the "complex mediaeval system of estates and corporations into closely knit sovereign powers ruling over subject nationals".¹⁷ In England especially, the State was strong and centralised absolutism¹⁸ and the struggle for religious freedom¹⁹ and the demand for free

trade, have been two important programmes in the quest for releasing civil society from the control of the State.

The loose body of political thinking termed liberalism which was concerned with the task of freeing the society from the control of the absolute State and outlining a sphere of freedom for the individual, gradually grew.

Locke's philosophy reiterates ideas like government resting on the consent of the governed, right to private property, doctrine of religious tolerance, belief in rational education of the young. Sabine outlines the essence of his belief in a natural law and limited government :

"The law of nature provides a complete equipment of human rights and duties. Everything that is ever right or wrong is so eternally; positive law adds nothing to the ethical quality of different kinds of conduct but merely provides an apparatus for effective enforcement."²⁰

The influence of Lockean thought was seen in the Glorious Revolution of 1688 -- which has been termed as the first liberal revolution,²¹ and the Bill of Rights (1689) which was designed to translate some natural rights into positive rights.²²

It was upon the idea of preservation of natural rights that Locke based his argument for the establishment of the State. He was attempting to

reconcile the maintenance and protection of natural rights with a degree of control by the State in the interest of their continued maintenance.²³

The consequence of the Lockean ideas was to loosen the bonds of absolutism in which the English State had found itself around the sixteenth century.

Thomas Paine in "Rights of Man" had also pointed out to the distinction between natural rights which derive from man's presumed right to existence and civil rights which man obtains as a member of society. The latter are all founded upon pre-existing examples of the former, but become 'civil' by reason of the inability of individual to ensure their continued enjoyment or maintenance. Thus an individual retains all those rights which he has the power to execute and use, but he hands over to the society the execution of those rights which he cannot ensure personally such as security and protection.²⁴

On the level of ideas the Lockean philosophy gives impetus to the development of a body of ideas called liberalism which called for a greater sphere of freedom for the individual. This concept of a free environment encouraged the growth of capitalism which had been establishing itself since the sixteenth century.²⁵

The growth of capitalism on the other hand also supported the growth and development of the liberal

idea. Liberalism and capitalism mutually reinforced each other.

The requirements of capitalism - free trade, absence of State interference etc. were supported by liberal ideas and led to the formation of a liberal society.²⁶

The growth of capitalism had benefitted from the strong Nation States which were competent to keep peace and enforce contracts. However the capitalist ethic itself aided the creation of a liberal and free society. One aspect of this idea was that it served to destroy the residue of feudalism. According to Macpherson :

When it [market society] was established - and it was established in the now advanced countries between the seventeenth and the nineteenth centuries - it was an enormously liberalizing force. It changed not just the economic arrangements but the whole society. Instead of a society based on custom, on status, and on the authoritarian allocation of work and rewards, you had a society based on individual mobility, on contract and on impersonal market allocation of work and rewards in response to individual choices.²⁷

The other aspect of it was a demand for reduction in regulation of trade. It called for free trade, as against the old State protectionism. In the economic arena, free trade had been established under Peel. This was favourable for the English manufacturers and merchants and became the accepted policy. The repeal of

Corn Law (1846) reduced the dominance of the English industrial over the agricultural and manufacturing class. The outcome was the emergence of England as the first of the modern industrialised nations.

Freedom of control in the economic field, and freedom in the political arena, characterised the atmosphere of liberalism. Restraint on arbitrary government, rule in accordance with law, exercise of government control according to law, were hallmarks of liberalism. The concept of civil liberties and limited State is an essential part of the ideology of liberalism. It implies a regulation of human freedom and liberty in the interests of an organised life. What we must emphasise is that the civil liberties idea is linked to the traditional idea of natural rights rooted in Natural Law.

Subsequently, democratic rights made an entry in order to enable successively wider groups of people to participate in the process of decision-making and legislation.²⁸

However it was the entry of the social and economic rights which were an encroachment upon the important civil right of property. The core of these social rights has been social security, statutory employment, old age, disability and unemployment benefits, health insurance, public education, public housing, minimum

wages, etc. These came into popular discourse and gradually took the shape of legislation as the negative consequences of industrialisation and economic growth made themselves manifest in the form of child labour, low wages, poor working environment, etc.

The inclination towards social welfarism was motivated by several concerns. While Beatrice Webb spoke about "the collective consciousness of sin" arising from the poverty and misery of the poor labourers, there was also fear that the workers would fall to the "blandishment of socialism." An intellectual argument related these rights to increased efficiency of workers and therefore of production in industry. However the advent of the idea of social welfarism does pose a conflict between civil rights, especially right to private property, and social rights.

The entry of social welfare rights in the industrialised countries of Europe in the nineteenth century signalled the erosion of a laissez-faire State. It marked the advent of the positive State, no longer interested in merely 'holding the ring', but active in the life and welfare of the citizen, i.e. a positive State.

Bhiku Parekh has drawn a distinction between civil and social rights and has analysed the changes which occurred in the second half of the nineteenth century as follows :

The rights to life, liberty and property that had so far been emphasised were all rights to protection in the sense that the only thing their agents required to enjoy or exercise them were forbearance or non-interference by their fellow citizens, and protection by the government. In the nineteenth century social and economic rights were added to the list. Now, obviously, these have a very different character. They are not rights to protection but provision - the provision of sustenance, the means of material well-being, employment and even basic opportunities for personal growth. As such they require the government to play a positive and active role in economic life. They also imply that, in order to meet the social and economic rights of those in need, citizens should not merely forbear from interference, but positively contribute by taxes and other means to the resources which a government requires.²⁹

However it was only with the advent of the United Nations that the entire gamut of rights - economic, social, cultural, civil and political were systematically organised and assimilated into the United Nations Declaration of Human Rights (1948) and its two Covenants - one on Civil and Political Rights and the other on Economic and Social Rights. This Declaration was an organised and ordered description of rights which were already a part of the rights discourse and now came to be encompassed in the broad term Human Rights, and became a part of the political discourse of the post-World War Two period.

However the appearance of the United Nations Declaration of Human Rights is not without its anomalies. Cranston points out that the addition of social and economic rights to the civil and political

rights has resulted in the loosening and slackening of the significant idea of Human Rights. Whereas the latter - the civil and political right are granted by the States and could be drawn from governments,³⁰ the former category of rights - the social and economic - presuppose a high degree of economic development before a government can give them to a citizen. Putting the two categories together, says Cranston, not only contributed to ambiguity on the issue but has meant the loss of a valuable opportunity to press forward for meaningful action to compel States to give practical shape to at least civil and political rights.

However even an assertion, a declaration by an International Agency carries its own significance and worth.

The civil liberties groups we propose to discuss derive their motivation and inspiration from the concept human rights.

Jacques Maritain has succinctly explained the notion of Human Rights :

The human person has rights because of the fact that it is a person, a whole, a master of itself and its acts and which consequently, is not merely a means to an end, but an end, an end which must be treated as such ... by virtue of natural law, the human person has the right to be respected, is the subject of rights, possesses rights. These are things which are owed to man because of the very fact that he is a man.³¹

When these groups address themselves to the civil liberties denials in course of their reports, they are in essence pointing to the core Lockean idea of the limited state, of the state's purpose being linked to the preservation of natural rights, of the state existing with the objective of protecting 'life, liberty and property' for the subjects. In other words :

... that government - the king specifically, but no less, Parliament itself and every political agency - is responsible to the people or the community which it governs; its power is limited both by moral law and by the constitutional traditions and conventions inherent in the history of the realm. Government is indispensable and its right is therefore in a sense indefeasible, but it is also derivative in the sense that it exists for the well-being of the nation.³²

Protection of civil liberties calls for the restriction of the executive arm of the state and restriction of the government's interference in the citizen's activities.³³ But is the social and economic rights which call for positive and beneficent legislation by the state. Here we may recall the difference made earlier by Bhiku Parekh, between civil and social rights - that the former category were rights to protection, and the latter were rights to provision.³⁴

For our discussion we have picked two categories of voluntary organisations - three groups concerning themselves with issue of protection of civil liberties and democratic rights, and two groups concerning women's rights. While the former address themselves to the

issue of the balance between authority and liberty -a classic concern of political science, the women's groups are concerned with women's civil liberties and democratic rights which are mediated through a society the patriarchal organisation of which is adverse to women.

How do these two categories of voluntary organisations, perceive their role in social change in order to enhance liberty for citizen? This is the issue to which we will address ourselves.

NOTES

1. Isaiah Berlin, Four Essays on Liberty (London : Oxford University Press, 1969), p.121.
2. Ernest Barker, Principles of Social and Political Theory (New Delhi : Oxford University Press, 1986), p.140.
3. Harold Laski, A Grammar of Politics (London : George Allen and Unwin, 1951), p.142.
4. Harold Laski, "Liberty", in Seligman ed., Encyclopaedia of the Social Sciences, Vol. IX (New York : Macmillan, 1967), p.144.
5. Barker; op. cit., p.140.
6. Ibid., p.145.
7. Ibid., p.145.
8. L.T. Hobhouse, Liberalism (New York : Oxford University Press, 1964), p.14.
9. Barker, op.cit., p.107.

Phyllis Doyle points out, "Natural Law united all men together in one great community, the city of the world. In this great family all men were brothers and equals; all sought to harmonise their several individual lives with the one sustaining law of nature". See, History of Political Thought (London : Johnathan Cape, 1949) p.43.
10. Maurice Cranston, What are Human Rights ? (London : Bodley Head, 1973), p.2.
11. Barker, op.cit., pp.107-108.
12. Ibid., p.107.
13. Doyle, op.cit., p.53.
14. Quoted in G.H. Sabine, A History of Western Political Thought (New Delhi : Oxford and IBH, 1973), p.161. Sabine points out, "Cicero's true importance in the history of political thought lies in the fact that he gave to the doctrine of natural law a statement in which it was universally known throughout Western Europe from his own day to the nineteenth century."

15. Says Sabine, "The underlying moral relations between Natural and Human Law are still for Locke substantially what they were for Thomas.", Ibid., p.242.
16. Says David Held, "In modern Western political thought, the idea of State is often linked to the notion of an impersonal and privileged legal or constitutional order with the capacity of administering and controlling a given territory. This notion found its earliest expression in the ancient world (especially Rome), but did not become a major object of concern until the development of the European state system from the sixteenth century onward." See, David Held ed., States and Societies (Oxford : Martin Robertson, 1983), p.1.
17. Charles Vereker, The Development of Political Theory (New York : Harper Colophon Books, 1965), p.85.
18. Says Barker, "England of the sixteenth century had cherished the conception of the one undivided Commonwealth ... with religious life under a State Church; with economic life regulated by a system of State protection at the port and by a State labour code ... in towns and shires; and even moral life supervised by the Courts of the State-Church....", op.cit., p.25. However Barker also notes that the Common Law for rights protection, and the 300 year old Parliament with its own procedures and ideas served as a restriction on absolutism.
19. Barker points out, "Non-conformity ... steadily stood for the principle that the State had nothing to do with religion, so far as churches other than the State-Church were concerned : it vindicated the conception of religion as something apart from and independent of the State", Ibid., p.27.
20. Says Sabine, "Locke was merely repeating Hooker and through him the mediaeval tradition about the relation between law and morals". Op.cit., p.113.
21. Other events of history which Lockean thought has influenced have been the Bill of Rights of Virginia, June 1776, the Declaration of Independence of July 1776 of the thirteen American States and the Declaration of the Rights of Man, of Paris, in 1789.
22. For example the rights of a person charged with criminal offence to a fair and public trial by jury, the outlawing of excessive fines and cruel and unusual punishment.

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23. HAL Fisher states that in Locke's philosophy is to be found "all the quintessential thought of the age of enlightenment", e.g., the belief that civil government is based on the consent of the governed, that right to private property is based on labour, religious toleration, rational education of the young. See, H. A. L. Fisher, A History of Europe, Vol.II (Glasgow : Collins, 1975), p.781.
24. Reference is made to The Writings of Thomas Paine (1894), Vol.II, p.385, Rights of Man, in Vereker, op.cit., p.112.
25. According to David G. Smith, "The liberalism recognised and vindicated in 1689 was essentially negative in character, protecting groups and individuals from government, especially from the prerogatives of the crown. It was also aimed at securing chiefly political rather than economic objectives. Among those political objectives are some of the most important principles of liberal constitutionalism : the right to opposition, the rule of law and the separation of powers. The settlement also included a recognition of important civil liberties by acts securing toleration in 1688, and the liberty of the press in 1695 ...". See, International Encyclopaedia of the Social Sciences, Vol.9 and 10 (London : Macmillan, 1968), p.278.
26. Political philosophers like Bentham enhanced this economic principle in political practice when they called for "the greatest happiness of the greatest number."
27. C.B. Macpherson, "Old and New Dimensions of Democracy", in The Real World of Democracy (New York : Oxford University Press, 1965), p.7.
28. According to Macpherson, "Those who had no vote saw that they had no weight in the political market - they had, so to speak, no political purchasing power ... when they saw this, they came to demand the vote for themselves". Ibid., p.9.
29. Bhiku Parekh, "The Modern Conception of Right and Its Marxist Critique", India International Centre, Quarterly, Vol.13, Nos.3 & 4, December 1986, p.8.

30. -Cranston has pointed out that political and civil rights are largely against government interference, the greatest efforts will have to be directed towards restraining the government's own executive arm. But this is not the case when economic and social rights are involved. For a government to enforce the latter, it would need to have access to great wealth. op.cit., p.67.
31. Maurice Cranston, op.cit., p.7.
32. Sabine, op.cit., p.484.
33. Maurice Cranston, op.cit., p.67.
34. Bhiku Parekh, op.cit., p.8.

CHAPTER II

VOLUNTARY ORGANISATIONS : DEFINING THE TERRAIN

Part I

What are Voluntary Organisations?

Before we begin an examination of the five voluntary organisations we have chosen in order to discover their vision of social transformation towards enhancing liberty for their target-groups, and their relationship to the state, a close examination of the terrain of voluntary activity may be a useful exercise.

Voluntary activity is non-statutory activity. Voluntary organisations are non-state undertakings accommodating a complex variety of subjective perceptions and interventions for effecting social transformation.

It may be useful to examine writings on voluntarism, in order to discover and appreciate the variety, the amorphousness and complexity of this terrain. This backdrop will help us to understand how this field of activity can amalgamate religious and charitable groups as well as those which are offering a critique of the state, and a challenge to its structures. It will help understand how some voluntary activity may help the State in facilitating the delivery of its development planning and how a cross section of voluntary activity may challenge the very same

development programmes. This will also help us to understand the state response to the various kind of voluntary activity within the state.

As people's groups and citizen's activity they embody an element of people's participation just as voting at election time, or standing for elections do. The pluralists see them as indispensable for democracy. They represent too, the vitality and strength of the democratic fabric of a nation.

According to Elridge and Nilratan:

This field abounds with many different terms - voluntary agencies/organisations, non-government organisations (NGOs), private voluntary organisations (PVOs), community (development) organisations, action/social action groups, non-party groups, micro/people's movements. No single term will adequately cover the whole field and all are open to some form of limitation or distortion.¹

Further,

The term 'non-governmental organisation' is potentially open-ended and could include religious, educational and cultural associations, hobby and lobby groups, business organisations, peasant organisations, trade unions and other groups whose composition is not necessarily targeted towards the poor and disadvantaged nor concerned specifically with their advancement and empowerment. The term 'action groups' is open to similar problems and can logically, include landlord senas and other reactionary groups. 'Community organisation' conveys the cooperative dimension involved but implies a 'whole community' approach rather than one focussed specifically on the needs of the poor. Prof. Upendra Baxi's term 'Organisations of the Rural Poor' (ORP) comes near the mark, though there is an increasingly urgent need to include the urban poor in social action. Perhaps simply 'poor people's organisation' would most adequately fill

the bill? However, definition of 'the poor' poses obvious problems.... The question of whether such organisations are controlled and managed by poor people ² rather than merely on their behalf is crucial.

This quotation offers an evidence of the amorphousness of this terrain. It is also the rationale for beginning with a sound notion of what voluntary action is. Examining the views of several authors on the subject is a sound way to explicate the issue.

The arena of voluntary organisations is characterised by amorphousness and complexity. In its widest understanding, the entire arena of society which is not covered by the compulsory regulation of the state is the area of voluntary activity. Barker speaks of the:

the community organized, or rather constantly organizing itself, in a number of voluntary associations for a variety of purposes (religious, cultural, recreational, charitable, economic, and whatever else may be comprehended under the general designation of 'social', which adorn and supplement, and may even stimulate or anticipate, the activity₃ proper to the purpose of the legal organisation.

Speaking of voluntary self-help he further says:

But on a broad view the method of voluntary self-help by the concerted effort of a voluntary association is neither individualism nor collectivism, in the ordinary sense of those terms; it is a happy bridge between them. The essence of the method is a spirit of 'voluntary community' which marries voluntas to communitas; and the essence in turn of that spirit is the power not of force but of persuasion.⁴

According to Lord Beveridge:

The term "Voluntary Action" means private action, that is to say action not under the directions of any authority wielding the power of the State. A study of Voluntary Action would be as wide as life itself, covering all the undirected activities of individual citizens in their homes as well outside their homes.⁵

Stephen Hatch has pointed out that "it is necessary to define them as not established by statutes or under statutory authority".⁶

Beveridge also quotes A.F.C. Bourdillon :

A voluntary organisation properly speaking is an organisation which, whether its workers are paid or unpaid, is initiated and governed by its own members without external control.⁷

Stephen Hatch's discussion is relevant :

Voluntary organisations do not share an essential characteristic which marks them out from all other kinds of organisation. Nevertheless for all practical purposes they have to be distinguished by a process of exclusion, by drawing boundaries between them and all other kinds of organisations However, it is not altogether satisfactory or satisfying since what falls within the boundaries may appear little more than a rag-bag. And it is difficult to say much about rag-bags except that they are rag-bags.⁸

Jai Sen has also pointed out that "one of the most important distinguishing characteristic of the 'voluntary sector' is that it is a mixed bag".⁹ And, says Sen,

This condition of difference and variety has taken place for obvious reasons. One is the result of people entering such work for differing reasons; secondly as a result of these differing perceptions, leading to very different encounters

with reality and to very different lessons on how to move forward; and in particular what kind of an 'organisation' - in the sense of organised effort, not necessarily an institution - is required to achieve this.¹⁰

The field requires further investigation in order to find a meaning and patterns.

Even within the broad rubric of 'non-statutory' activity or organisations, we can further eliminate those, the membership of which carries a degree of compulsion - such as the family, caste-group, the church and the State.

Micheal Banton has pointed out :

Associations are usually contrasted with involuntary groupings serving a greater variety of ends such as kin groups, castes, social classes and communities Sir Henry Maine stressed the movement of relations based on status, as determined by birth, to relations of contract deriving from the free agreement of individuals. Voluntary organisations become more common and significant as societies advance in technology, complexity and scale.¹¹

Similarly David Sills would exclude from the fold of voluntary organisations those built around the economic interests of any group. He terms them "making a living" associations which include business firms, trade associations, production, marketing and consumer cooperatives, professional associations, production and labour unions.¹²

Another characteristic of voluntary associations has been the unremunerative quality of work done. Jai

Sen says:

The use of the term 'voluntary' as used in the 'voluntary organisation' has generally two connotations: the first concerns the manner and motivation of association; the second usually means some element of conscious material negation.¹³

So also, Rudolf Heredia has pointed out:

What is voluntary must essentially be free from the 'economic compulsion' of the profit motive and self-interest.¹⁴

David Sills also pointed out that in such organisations:

Volunteer (i.e. non-salaried) members constitute a majority of the participants.¹⁵

Also, AFC Bourdillon has pointed out:

A generation ago, 'voluntary' was normally used to denote 'unpaid'. A 'voluntary worker' was someone who gave unpaid service to a good cause, and the group which was formed to run this good cause came to be known as a 'voluntary' organisation. The group took its name, in fact, from the outstanding characteristic of the workers upon whom it depended. In recent years there has been a significant shift of meaning here. Now a days many of the most active voluntary organisations are staffed entirely by highly trained and fairly well-paid professional workers. The distinctive 'voluntary' character of such bodies is the product of not the kind of workers they employ, but of their mode of birth and method of government. A voluntary organisation properly speaking is an organisation which, whether its workers are paid or unpaid, is initiated and governed by its own members without external control.¹⁶

Today, an increasing number of voluntary organisations are attempting specialised interventions, for example, water resource management, technology

appropriate for rural areas, improvement of soil condition etc. These tasks demanding specialisation, cannot be sustained at a level of purely unpaid work. Marcus Franda too, has pointed to voluntarism undergoing changes in response to newer compulsions.

However, in recent years, there has been a trend towards greater professionalisation of voluntary work leading one to say that voluntarism is the difference between what an individual gets and what he could get in the market for his skill and training.¹⁷

Madeline Roofff's observation on voluntary societies is:

To a greater or less degree they receive personal help from voluntary, that is unpaid, workers but many of them, today, have salaried officers in key positions.¹⁸

The fact of the voluntary organisations being independent of government control may permit it to be less regimented and bureaucratised than the government effort through its departments or agencies. Says Heredia:

What is voluntary must essentially be chosen and as such be free from what is ascribed by social status or prescribed by organisational procedure, free from what is autocratically and hierarchically centralised rather than democratically controlled.¹⁹

However, we must hasten to clarify that the word "organisation" too indicates that there is a degree of formality in the association or group. There is the presence of rules and regulations. As Stephen Hatch

points out:

It is necessary to define them as voluntary organisations, as²⁰...being organisations not simply informal groups.

David Sills has characterised voluntary organisations as :

An organised group of persons (i) that is formed in order to further some common interest of its members, (ii) in which membership is voluntary in the sense that it is neither mandatory nor acquired through birth, and (iii) it exists independently of the State.²¹

However, the above explanations seeking to define voluntary organisations as bodies created by individual effort, comprising of people who have cohered together on their own volition, at no, or low wages, does not still fully outline, a voluntary organisation. A voluntary organisation has to have a "normative" content. Says Hatch,

Participants in voluntary organisations are always animated by a mixture of motives, but there is, in most of them a strong moral element.²²

Beveridge prefaces his important study on bodies giving Mutual Aid and Philanthropic Aid in the book Voluntary Action, by saying:

This study is confined to Voluntary Action for a public purpose - for social advance. Its theme is Voluntary Action outside each citizen's home for improving the conditions of life for him and for his fellows.²³

AFC Bourdillon, in the introduction to the edited work Voluntary Social Services : Their Place in the Modern State had stated:

A 'voluntary worker' was someone who gave unpaid services for a good cause, and the group which was formed to run this good cause came to be known as a 'voluntary' organisation.²⁴

Altruism, benevolence and charity, self-abnegation, inspired by religion or by the humane core of man's heart has motivated organised and unorganised action and effort in order to alleviate human misery in various forms.²⁵ We must also try to understand that the dominant generally acknowledged understanding of voluntary organisations carries with it the special weight of altruism, welfare, and action motivated by social consciousness. Welfare of the poor and deprived sections (interpreted not merely in material terms), appears to be the agenda of the voluntary organisations.

This weight of welfare and others-regarding action is clear in Beveridge's now famous explanation of voluntary action as:

....action inspired by one or other of two main motives - Mutual Aid and Philanthropy. The first motive has its origin in a sense of one's own need for security against misfortune, and realisation that, since one's fellows have the same need, by undertaking to help one another all may help themselves. The second motive springs from social conscience, the feeling which makes men who are materially comfortable, mentally uncomfortable so long as their neighbours are materially uncomfortable : to have social conscience is to be unwilling to make a separate peace with the giant

evils of Want, Disease, Squalor, Ignorance, Idleness, escaping into personal prosperity one-self, while leaving one's fellows in their clutches.²⁶

India has had a long tradition of voluntary activity. Writers have referred to the voluntary nature of Indian society.²⁷ Voluntary service activity was extensively performed by charity, religious and philanthropic organisations.²⁸ With the advent of independence the fledgling state accepted the task of social welfare and recognised the cooperation of the voluntary organisation in this task.²⁹

However, the advent of the social welfare state in England was eventful. The responsibility of the State for the weak, indigent, sick, old, the unemployed and the mentally deranged was conceded gradually and reluctantly over a long period of time. State action was perceived as interference and a challenge to the idea of laissez-faire individualism. Says Rooff:

For a great part of the 19th century the prevailing social philosophy denied the responsibility of the community for the welfare of its adult citizens Until the 1870's Individualism dominated thought, and laissez-faire was widely accepted as the proper role of the State.³⁰

State assistance to the increasing number of poor also caused the burden of a poor tax to fall upon communities and sometimes this was unequally distributed:

Communities with a large number of paupers frequently had few wealthy, merchants, which meant that the poor tax had to be collected from the householders of more modest incomes.³¹

People desired that "the State should not interfere with private economy so that the manufacturer could reap the profits of production".³²

Thomas Malthus in the "Essay on Population" (1798)³³ disapproved of poor relief because it tended to encourage paupers to have more children to get relief for them and tended to raise the price of food, which again impoverished the entire working class.³⁴

Initially social welfare came only through the medium of voluntary charity and philanthropy or under the influence of churches, monasteries. Later hospitals run by donations from the aristocracy administered to the old, the sick, the orphans, the women.

From the 12th to the 15th century the relief activities of the church were supplemented by the charities sponsored by guilds of working men for mutual self-help. They often extended help to the needy in times of drought or famine.

But the decline of feudalism which led to freeing of workers from duties towards nobility also led to a loss of social security, specially felt in the periods of need, sickness, old-age, etc. By 1531³⁵ the first

constructive measure of the government for the relief of the poor was made.

Rooff points also to the contribution made by the growth of learned societies which discussed issues and instituted studies.³⁶ She says:

There was certainly a new spirit abroad in the late 18th century which gathered strength in the 19th, and prepared the way for the extension of the social services in the 20th. It showed itself in a gradual widening of sympathy for the less fortunate members of the community.³⁷

Also individuals like Robert Owen were taking the initiative to set up welfare schemes for mill workers in Lanark.³⁸ Cobbet and Carlyle too were writing on social conditions. Novels with a social purpose were becoming popular. Rooff points out:

Miss Gaskell, Kingsley, Dickens, Disraeli and a number of lesser artists like Mark Rutherford portrayed the wretched conditions of the labouring poor their readers gradually becoming sensitive to the sufferings of the oppressed.³⁹

Further more, to explicate the concept of voluntary organisations, it may be worthwhile to look at some classifications which have been attempted in earlier years. David Sills refers to an investigation made by Sherwood Fox in 1953 where he examined the functions performed by some five thousand associations and based a classification upon the distinction between Majoral, Minoral and Medial organisations. Majoral associations are those which service the interest of the major

institutions of society : business, professional, scientific, educational, labour and agricultural associations. Minor associations serve the interests of any significant minority in the population : women's clubs, church associations, hobby clubs and above all ethnic associations. Medial associations mediate between major segments or institutions in society. For example, parent-teacher associations mediate between the family and the school system. Social welfare organizations mediate between those which provide financial or other aid to the under-privileged population. Veteran's groups mediate between war veterans and the government, and voluntary health associations mediate between scientists and the public, as well as between individuals suffering from a particular disease and the medical profession.⁴⁰

Constance Smith and Anne Freedman have pointed out that voluntary associations have been classified on a variety of basis : (i) their size; (ii) their internal political structure; (iii) their independence or dependence on outside control; (iv) their societal functions; (v) source of their support; (vi) their location; (vii) class and characteristics of their members; (viii) intimacy of contact among members; (ix) bases of the incentives; (x) beneficiary of the associations activities - prime beneficiary may be the membership, the client, the public or the owners.⁴¹

However, any attempt at classification will meet with a difficulty of adjusting within it, the dynamic and evolutionary nature of voluntary organisations. Understanding of the facts of reality may deepen and intensify and evolve. It may comprehend interdependencies and interlinkages and thus alter the nature of the voluntary intervention or action or activity. A group which began with a charity motive, or with a developmental project in mind, with a totally apolitical comprehension of the nature of its objective, may later evolve into an organisation with a political understanding of its task, a struggle orientation and an objective of challenging delimiting structures. Thus the intervention at the social welfarist level may develop towards a deeper understanding of complex interrelationships over time.⁴²

Dunu Roy points to a linear movement in the "counter ideology" which exists in society, which calls for a change in the entire structure of society. He explains its progress as passing, not necessarily in a linear fashion, through the following stages:

Thus, through the agency of the counter ideology, conceptions develop from charity to development, from development to organisation, from organisation to politics⁴³ and from politics to political education....

Of voluntary organisations, D.L. Sheth says:

..... some of them have begun to view development as struggle; they are taking up new programmes of

imparting relevant information, skills and knowledge to the people. Some of them have started organizing the people with a view to compelling the government to implement its own schemes intended to benefit the poor and legislation intended to protect people's economic and political rights. They are also working to ensure people's participation in the decision making bodies in charge of these schemes. Issues like bonded labour and minimum wages have begun to attract their attention. An awareness is growing among them that development is not possible if the problems of power structures are ignored.⁴⁴

M.J. Joseph too speaks of the process of evolution in these groups.⁴⁵ He describes:

three stages - the stage of social welfarism, stage of radical nationalism, and finally the stage of socialist orientation. Of this the first marks a typical social work approach in which action groups involve with community not as political activists but as social workers at the micro-level. Often various charitable and philanthropic groups operate with such a welfarist orientation Action groups and voluntary agencies in this stage of development subscribe to the notion of state directed welfarism; they usually adopt an apolitical stance and are disinclined to examine the linkages between a local problem and the nexus of exploitation embedded in the broader structures. Hence at this stage, action groups tend to advocate conformism and mobility within the confines of the system. Their actions are only instrumental in promoting such mobility. They neither encourage mobilisation of oppressed masses nor do they erode the legitimacy of the state structure in general and bourgeois capitalist hegemony in particular....

In contrast, action groups with a radical nationalist approach generally start building mass movements from the base. In this second phase of their development, action groups stand for fundamental democratic rights of the people including the right of self-determination which is perceived as attainable only outside the frame-work of the existing state structure. Such action groups engage in building alternative structures by mass mobilisation no doubt, but they do not shake themselves out of bourgeois reforming which they had imbibed in themselves consciously or unconsciously. Hence there is no clear-cut break with the capitalist legacy in the case of action

groups that are radically oriented, but anchored in nationalist commitments. It is in the third stage of development that action-groups achieve this break-through. Here their radical socialist orientation enables them to develop a vision of an alternative social order seen through the linkages between micro-level conflicts or struggles and the systemic contradictions at the macro-level.

However, Elridge makes a valuable suggestion:

..... it is more important to use such categories as a tool for creative understanding of the motive forces underlying groups, structures and actions rather than attempting the frustrating exercise of classifying each and every voluntary action group.⁴⁶

Since our purpose is to examine the agenda of voluntary organisations, to understand their vision of social transformation towards enhancing liberty for their target group, and their relationship to the state, it may be useful to perceive voluntary organisations as organisations with an agenda for social change and transformation. We may classify them based on the vision of change they have, i.e., classify them on the basis of the kind of transformation they wish to achieve. This may range from achieving no change in the system, i.e., making no attempt to alter the status quo, to aiming at challenging the structures of the state.

1. Thus some activity may make no impact and bring no change or transformation in the system; or the change wrought may be temporary and transient. This kind of isolated acts of transformation can come through charity and philanthropy.

2. Some activity which aids the state in its effort at social transformation, i.e., helping the administrative endeavour to implement poverty alleviation programmes, helping in unravelling bottle-necks, facilitating implementation of governmental programmes.
3. Some activity may press for social transformation within the politico-legal system of the state, i.e. pressing for implementation of state laws, e.g., Equal Remuneration Act, Minimum Wages Act, etc.; pressing the system for social transformation which can be wrought within the system, e.g., demanding law against misuse of amniocentesis tests; pressing for imaginative use of available judicial, legal opportunities for bringing about transformation, e.g., the use of social action litigation to force employers to pay labourers their minimum wages, or pressurising the state to desist from certain actions perceived as adverse to poor, e.g., through writing of letters to press, publishing reports, fasting in protest against a project or action, e.g., Amte against the Narmada Dam, Bahuguna against the Tehri Dam.
4. At the other end of the spectrum lies activity which has the objective of bringing about structural transformation within the state. This implies changes in the economic arrangements of

society as well as in the political arrangements, which preside over the socio-economic. Political ideas which lean towards this kind of transformation, and which challenge the legitimacy of the state flow from the Naxalite stream.

The Naxalite stream, or the CPI (ML) is a breakaway group of the Communist Party of India, and advocates a programme of annihilation of the class-enemy. Their means are violent.

Part II

Voluntary Organisations and the Indian State

In this chapter we will attempt to identify the tendencies and trends in voluntarism in India and the perception of the Indian State to voluntary organisations in post-Independence India. This backdrop is important within which to locate the investigation of the five voluntary organizations chosen for a close examination.

The state of voluntary sector is described by Kirtee Shah :

A great diversity - in origin, nature, character, ideological stance, background and way of functioning, characterises the voluntary sector in India. On the one extreme there are traditional, good-intentioned welfare oriented philanthropists, not given to or bothered about social contradictions ... and on the other extreme are those who believe in nothing less than fundamental

societal restructuring. They are Gandhian and Marxist, religion-based, industry promoted wings of political parties, survivors of long defunct political and social movements, and young professionals in search of alternative 'clients' and new challenges. Some are foreign trained and influenced. Some are totally indigeneous. Some thrive on foreign funds. Others refuse to touch them. Some are content to deliver services to the needy. Others believe that delivering services is not an end in itself but also a means to organise people to help themselves.⁴⁷

In pre-Independence India, voluntary activity had grown around religion - such as the activity of the Ram Krishna Mission, the Christian Missionaries; around charity - such as the establishment of schools, hospitals, endowments and trusts;⁴⁸ and around Gandhiji and his idea of constructive action in the field of rural development, economic and social uplift, removal of untouchability etc.⁴⁹

D.N. Dhanagare has pointed to the tendency of diverse movements to be conflated within the National Movement:

Whether it was Mahatma Jyotiba Phuley's attempt to mobilise the bahujan samaj (masses) against the hegemony of the elite Brahmans in Maharashtra, or the Arya Samajists campaign for Shuddhi (purification of those who had been converted to different faiths); whether it was a scavenger's union mobilised by the Peasants and Workers Party under Muzaffar Ahmed's leadership in Bengal, or Maharishi D.K. Karve's crusade for women's upliftment in Maharashtra, whether it was Gandhian Swarajashrams in Gujarat which undertook constructive activities including the upliftment of Harijans, or Godavari Parulekar's work of conscientising the Warlis of Thane district in Maharashtra; all these formed an integral part of the mainstream national movement and political processes.⁵⁰

Owing to the close identification of the Indian National Movement with Gandhi, the idea of voluntary participation and constructive work was seen as important for citizen involvement with the task of nation-building.

J.D. Sethi points out:

India has a long tradition of voluntary organisations engaging themselves in rehabilitation, relief and social work in the fields of health, education, rural development, women's uplift, anti-untouchability programmes etc. These organisations got stimulated during the struggle for Independence and for initiating genuine constructive work for the uplift of the poor and down-trodden. For Gandhi the two were inseparable parts of political and economic struggle and development.⁵¹

For Gandhi, service in the real sense of the word was possible outside the State machinery. The socio-economic and moral regeneration which Gandhi visualised as a natural concomitant of Independence, he foresaw emerging only through voluntary activity. He had envisioned the Indian National Congress disbanding itself and taking up a new role of service to the people as a Lok Sevak Sangh.⁵² While this suggestion was not accepted, nevertheless the Gandhian strain was perceptible in three separate strands in the Indian polity in the post-Independence India.

A strand emerged, of those workers of the Indian National Congress who had joined the government. The Gandhian ideals were accepted by them as unquestionably

good, worthy of emulation and emerged as something of national ideals.⁵³

On the other hand were the many Gandhian workers who became associated with the promotion of the Gandhian ideals of khadi and handicrafts development which the government had accepted as a part of its responsibility.

According to Rajni Kothari,

A whole range of "constructive work" activities of the Congress movement were continued in the form of non-governmental agencies to whom both grants and legal entitlements and centres were provided by the government. Gandhians and others who could not or did not wish to join the government or the ruling party spearheaded these agencies and both worked closely with governmental programmes meant for diverse social strata (from harijans and tribals to illiterates, women in distress and slum-dwellers) and for setting up important sectors of a mixed economy (handicrafts, and village industries, rural development agencies, credit cooperatives, educational institutions etc.) and retained a degree of autonomy in their functioning. To this was added a later generation of "social work" agencies in the rural areas, agencies working for community development, panchayati raj and other bodies as well as, still later, more radical programmes like adult education through voluntary bodies meant to "conscientise" the people and employment guarantee schemes.⁵⁴

There was yet another strand of workers aspiring to give shape to the Gandhian principles of social and economic restructuring through practical service and the implementation of Gandhi's almost revolutionary notions of Trusteeship⁵⁵ and Sarvodaya⁵⁶. The important plank of this strand was the Bhoodan Movement.⁵⁷ At one time it held out a great promise for a peaceful transformation

of rural society and was a unique example of voluntary initiative of such a size any where in the world.⁵⁸

The government policy of promotion of khadi and handicrafts was written into the planning document and was largely accepted as an indication of the government's positive attitude towards voluntary activity. The objective of it was to give shape to the Gandhian economic ideals of economic self-sufficiency for Indian villages and encouragement of cottage industries for that purpose.

Sewashram at Wardha, Maharashtra had been set up by Gandhi himself and it served as an example of the economic and social change which he had visualised in the Indian rural setting. Later other experiments, along Gandhian lines had been carried out by Harivallabh Parikh at Rangpur, Gujarat (1940) and at Gandhigram Rural University at Madurai (1940).⁵⁹

To understand the perception of the State to voluntary activity at the dawn of independence, we must also make note of some other successful efforts at rural development by voluntary effort.

One effort was Dr. Stephen Hatch's experiment in rural development carried out in Martandam, Trivandrum (then Travancore), in the 1920s, under the auspices of the Young Men's Christian Association. The Rural Development Demonstration Centre at Martandam undertook

activities like encouragement of cottage industries, literacy campaign, training of rural workers, establishing cooperatives, fostering innovative technologies such as improved methods of raising poultry, bee-keeping, dairy, cow-rearing, weaving etc.⁶⁰ Yet another instance was the rural uplift programme initiated by Rabindra Nath Tagore and Dr. Stephen Elmhirst at Sriniketan, near Shantiniketan in West Bengal in 1922. The major projects included village level health workers, village oriented education, village health cooperatives, boarding school for boys to enable them to be trained in cooperative activities, raising gardens, keeping poultry and dairies, learning crafts etc.⁶¹

Yet another effort at community development was conducted at Gurgaon district in the 1920s by the Deputy Commissioner of the area F.L. Brayne, through efforts at improving agriculture production, increased village sanitation, basic education and the encouragement of cooperatives.⁶²

Other efforts at rural development in pre-Independence India were the Firka Scheme of Rural Development initiated by the undivided provincial government of Madras, the Baroda experiment of Rural Reconstruction initiated by Maharaja Sayajirao Gaekwad III of Baroda, assisted by his Dewan V.T. Krishnamachari

and the Nilokheri experiment with the resettlement of refugees from Pakistan under S.K. Dey.

In the climate of the immediate post-Independence period with new state which professed to be interventionist, voluntary activity independent of the State, was perceived in a favourable light by the government. A Planning Commission circular to all States emphasised the necessity of 'pooling and coordination' of experiences, and suggested that:

the principal officers concerned with the Community Development Programmes should join together for a few days to consider common problems and review the experience already gained in different states and on particular projects like Etawah, Nilokheri, Faridabad and elsewhere.⁶³

In fact, Albert Mayer's successful work at Etawah⁶⁴ was looked upon as a practical experiment which was to be incorporated in the delivery system of the administration of Uttar Pradesh.

Thus voluntary action was treated as an avenue to facilitate the welfarist role of the new State. The democratic orientation and welfarist inclination of the new government had been vocalised in the development policies, in the text of the Constitution with its guaranteed Fundamental Rights and a comprehensive enumeration of Directive Principles, in the programmes of social welfare and in the Panchayati Raj idea envisaged. The effort, in toto, was towards creating a

more responsive system, an effort towards attempting to "transform the machinery which was at one time devised to look after the function of revenue collection and maintenance of law and order into a Welfare Administration."⁶⁵

According to V.T. Krishnamachari, the then Planning Minister:

There should be a change in our outlook also. We have to adapt ourselves to the new concept of the welfare State. We should approach our task in a new spirit. We should give up the idea that we are here to force our programme and plans on the villagers. It is for the villagers to tell us what they want and for us to assist them⁶⁶

The Bharat Sewak Samaj was conceived as a non-political and non-official national platform for constructive work, and to provide:

..... a common platform for all who wish to give their share of time and energy to developing the people's own effort in relation to the National Plan and, at the same time intended to assist in the development of existing voluntary organisations.⁶⁷

The primary objects of the Samaj were to find and develop avenues of voluntary service for the citizens of India to:

- a) promote national sufficiency and build up the economic strength of the country;
- b) to promote the social well-being of the community and to mitigate the privations and hardships of its less favoured sections; and
- c) to draw out the available unused time, energy and other resources of the people and direct them into various fields of social and economic activity.⁶⁸

Social Welfare was seen as the natural constituency of voluntary organisations and it was in the field of social welfare that its role was seen as salient.

A major responsibility for organising activities in different fields of social welfare, like the welfare of women and children, social education, community organisation, etc., falls naturally on voluntary agencies. These private agencies have for long been working in their own humble way and without adequate state aid for the achievement of their objectives with their own leadership, organisation and resources. Any plan for the social and economic regeneration of the country should take into account the service rendered by these private agencies and the State should give them the maximum cooperation in strengthening their efforts. Public cooperation, through these Voluntary Social Service Organisations, is capable of yielding valuable results in canalising private effort for the promotion of social welfare.⁶⁹

The important role of voluntary organisations was also emphasised by the Balwant Rai Mehta Report (1957) which had given shape to the idea of Panchayati Raj as a new system of local government. It said:

Today in the implementation of the various schemes of community development, more and more emphasis is laid on non-governmental agencies and workers and on the principle that ultimately people's own local organisations should take over the entire work.⁷⁰

The Ashok Mehta Committee set up in 1977 to review the Panchayati Raj system commented on voluntary organisations:

Of the several voluntary organisations engaged in rural welfare, a few have helped the Panchayati Raj institutions in micro-planning exercises. They prepare comprehensive area development plans, conduct feasibility studies and cost/benefit

analysis, explore ways and means to induce local participation in planning and implementation. AVARD (Association of Voluntary Agencies for Rural Development) also provides consultancy services in project formulation and assists its member agencies with technical support. Voluntary agencies, if they have requisite expertise, proven standing and well equipped organisations, can assist Panchayati Raj Institutions in the planning process. They can be particularly involved in the formulation of projects and schemes. They can also help create strong public opinion in support of measures aimed at social change.

Perusal of the Plans gives a clear indication of the role the Indian State expected voluntary organisations to play in the newly constituted State. This role was seen initially in the field of social welfare, and later on in the area of rural development as well.

In the First Plan there appeared to be a recognition of the potential energy that inheres in voluntary activity. Effort was made at encouraging the growth of voluntary activity. The following extract from the Plan makes it clear that the State envisaged a harmonious relationship with voluntary organisations:

As voluntary social welfare organisations develop and can assume greater responsibilities, it should be possible to entrust to them an increasing number of functions which at present have to be undertaken by government agencies. In securing public cooperation, the association of non-official representatives in bodies such as development committees, project advisory committees, etc. in district administration and in community projects is of a great value. This association should, however, be extended by affording greater opportunity for practical work and practical participation to voluntary organisations. 72

The Plan also mooted a "Board set up by the Central Government to which a great deal of administrative authority was given".⁷³ The objective of the establishment of the Central Social Welfare Board (and subsequently State Social Welfare Boards), was to aid voluntary organisations to run their programmes on a systematic and continuous basis, and assist them in providing improved and consistent service. They provided grants-in-aid to the organisations already in existence and financial assistance to newly established ones.⁷⁴

Further, a fund of Rs.4 crores was provided as grant-in-aid to voluntary social service organisations for "strengthening, improving and extending the existing activities in the fields of social welfare and for developing new programmes"⁷⁵

However, in the later Plans, the allocations greatly increased. In the Fifth Plan, the funding for voluntary organisations in the field of social welfare was Rs.15.97 crores. In the Sixth Plan, funding of voluntary organisations was Rs.44 crores. In the Seventh Plan, social welfare through voluntary organisations was funded to the tune of Rs.41 crores.⁷⁸

The role of voluntary organisations in the field of social welfare was recognised from the First Five Year Plan. But that they could have a role in the arena of

development was recognised only from the Sixth Plan onwards. In the Sixth Plan social welfare was linked with poverty alleviation Plans to assist the poorer sections.

Social welfare is basically supplemental to the needs of the most deprived and the real benefit to them should come from the general sectors. The National Rural Employment Programme and the beneficiary-oriented Integrated Rural Development Programmes would contribute substantially in this regard, besides agriculture animal husbandry, irrigation and other economic activities.⁷⁹

The Plan saw the role of voluntary organisations in effecting decentralisation of the implementation of the anti-poverty programmes in order to make them responsive to the local problems, needs and potential. The Plan mentions that:

Greater use of such institutional devices as registered societies or corporations at the district level offer a means of accomplishing this.⁸⁰

The Plan also spoke of the effective organisation of a Rural Resource Corps:

The governing body of these agencies could serve as a forum for the direct representation of the target group beneficiaries The representatives of local credit, educational and voluntary agencies on these bodies would facilitate coordination and encourage wider participation.⁸¹

The Plan also made reference to "the promotion of purely non-governmental organisations, formal or informal in nature which could motivate and mobilise the people in specific or general developmental tasks".⁸²

The Plan recognised and outlined some institutionalised activity which was already in existence with the objective of motivating and mobilising the people in various aspects of developmental tasks. These were youth and women's organisations operating at different spatial levels, voluntary organisations engaged in developmental work in an area or specific activity, organisations of specific beneficiary or interest groups like self-employed women or farmers for economic objectives like marketing, organisations of farmers into cooperatives for improving land and water management, religious, social or cultural organisations like the Rotarians, Jaycees or Lions, and professional organisations or institutions which take up study, research and social action programmes as part of their social commitment.⁸³

The Plan also further identified some activities in which "the awareness and conscious participation of the people is critical for success". These were related to renewable sources of energy, family welfare, health, water management and soil conservation, social welfare programmes for the weaker sections, implementation of Minimum Needs Programme, preparedness for disaster and disaster management.

In all these, the Plan spoke of encouraging people's participation "in an organised way through

local groups and associations of voluntary organisations".⁸⁴

Further, the Plan spoke of:

supplemental action by voluntary agencies in promoting activities for self-employment as well as development of the rural poor [for] optimising the results of Plan programmes by enhancing the effectiyeness and efficiency of services provided by governmental functionaries and by motivating the concerned beneficiaries and rendering suitable guidance to them in the formulation of viable projects and sources of funding.⁸⁵

An Expert Group under M.S. Swaminathan, set up by the Planning Commission made suggestions for steps to strengthen the implementation of the programmes for alleviation of poverty in February 1982. Some of these are pertinent for the role voluntary organisations are expected to ideally play in this task. It recommended:

....voluntary agencies are among the most important means available for enlarging the contribution of the people, mobilising human resources for constructive tasks, and expanding the total effort for development. They are also often well suited for undertaking innovative projects, testing new possibilities through pilot projects, and enlisting the cooperation of individuals with special skills and experience who are willing to give their time and energy and experience in the service of the community....

It should be emphasised that, in the very nature of rural development, in each field, there are activities of which some aspects or components could be assigned with advantage, for implementation through competent voluntary agencies which might be already at work or whose formation or development could be encouraged. In designing each programme, therefore, the Planning Commission and the concerned Central Ministries and Departments in the States should make a special effort to mark out those components and areas of action which can be

'passed on' with the necessary administrative and technical guidance and financial support, for implementation mainly by appropriate voluntary agencies.⁸⁶

However, it was the Seventh Plan which examined very closely and in detail the role that could be carved out for voluntary organisations in the area of rural development in cooperation with the State. While being a recognition of the good work the voluntary organisations had been involved in, it was also an implicit criticism of the government's own shortcomings in "delivering development"⁸⁷. It also outlined vast areas of future cooperation between voluntary organisations and the State.

The Plan outlined a mechanism which would facilitate administrative and financial relationship between the voluntary organisations in rural development and the State. The Plan conceded that:

There has been inadequate recognition of their role in accelerating the process of social and economic development. These agencies have been known to play an important role by providing a basis of innovation with new models and approaches, ensuring feedback and securing the involvement of families living below the poverty line Voluntary agencies have developed expertise and competence in many non-traditional areas to plan their own schemes instead of expecting government to do so.⁸⁸

More specially, the role which the voluntary organisations were expected to play in implementing development included:⁸⁹

- i) To supplement government effort so as to offer the rural poor choices and alternatives;
- ii) To be the eyes and ears of the people at the village level;
- iii) To set an example. It should be possible for the voluntary agency to adopt simple, innovative, flexible and inexpensive means with its limited resources to reach a larger number with less overheads and with greater community participation;
- iv) To activate the delivery system and to make it effective at the village level to respond to the felt needs of the poorest of the poor;
- v) To disseminate information;
- vi) To make communities as self-reliant as possible;
- vii) To show how village and indigenous resources could be used, how human resources, rural skills and local knowledge, grossly underutilised at present could be used for their own development;
- viii) To demystify technology and bring it in a simpler form to the rural poor;
- ix) To train a cadre of grass-root workers who believe in professionalising volunteerism;
- x) To mobilise financial resources from within the community with a view to making communities stand on their own feet; and,
- xi) To mobilise and organise the poor and generate awareness to demand quality services and impose a community system of accountability on the performance of village-level government functionaries.

The specific programmes and areas in which their participation was expected were:

- i) Integrated Rural Development/Rural Landless Employment Guarantee Programme/TRYSEM;
- ii) Implementation of land ceiling and distribution of surplus land;
- iii) Enforcement of minimum wages to agricultural labourers;

- iv) Identification and rehabilitation of bonded labour;
- v) Development of Scheduled Castes and Scheduled Tribes;
- vi) Supply of safe drinking water : repair and maintenance of water supply systems with community support;
- vii) Afforestation, social forestry, development of biogas and alternative energy sources (solar and wind energy, improved chulhas);
- viii) Promotion of family planning;
- ix) Primary health care, control of leprosy, TB, blindness, preventive health programmes using village resources;
- x) Programmes for women and children in rural areas;
- xi) Innovative methods and low-cost alternatives in elementary, primary and middle school education for children, adult education and nonformal and informal education;
- xii) Consumer protection promotion of cooperatives;
- xiii) Promotion of handicrafts and village and cottage industries;
- xiv) Promotion of science and technology;
- xv) Legal education;
- xvi) Rural housing, improvement of rural slums;
- xvii) Environmental and ecological improvement; and,
- xviii) Promotion and encouragement of traditional media for dissemination of information.⁹⁰

This close relationship between the government and the voluntary organisations marked "a major shift in policy and direction with emphasis on developmental work and people's participation in rural areas".⁹¹

The Plan also made some recommendations regarding the process by which an institutional arrangement could be worked out to facilitate the tasks of voluntary organisations in the form of setting up Consultative Committees at the level of the Centre and the States. The purpose of these would be to serve as forums for voluntary organisations to bring their problems, explain their position to the Government. Another recommendation was to prepare panels of experts at State and District level, who would be available to voluntary organisations to assist with professional advice.

The Plan also proposed a financial outlay of Rs.100-150 crores to be spent in collaboration with the voluntary organisations in the developmental field over and above the outlay on social welfare. It also suggested that there should be a Code of Conduct which should apply to agencies receiving these grants.

This climate of encouragement and support, and the financial assistance coming through bodies like CAPART⁹² had helped in the growth of the voluntary sector. Consequently there was a growth of many a voluntary effort working in backward regions attempting to meet immediate physical difficulties of a specific region or area, such as paucity of water resources, or poor agricultural production, inadequate opportunities of income-generation, acute poverty, malnutrition, etc. Attempts were made to facilitate the government's own development

mechanism to be more efficient and responsive, to remove bottlenecks, to press for relief measures and infrastructure like roads, seek efficient and honest implementation of governmental programmes like the Integrated Rural Development Programme (IRDP), create income-generation projects, avenues for marketing, etc. Financial support was easily forthcoming from the government. Issue-specific programmes like environmental upgradation, promotion of alternative sources of energy etc. too were sponsored.

The importance of voluntary organisations lies primarily in their ability to deliver some incremental advantage to the poor and the deprived. Since interventionist groups are, apart from their immediate objectives, also likely to be committed to a general social improvement as well, there are also accompanying efforts at conscious social change directed upon issues like women's education, increased opportunities of participation of women and dalits in the schemes they generate. Community participation, conscious decentralisation, development and organising people around immediate issues like pani panchayats may be emphasised in course of performing their major developmental activity. They may also engage in imaginative experiments in resource conservation, cooperative farming, or water management.

The Eighth Plan has also reiterated the importance of voluntary action and identified certain areas where it plays an important role. These are rural development, training of rural youth, promotion of safe drinking water, rural housing, promotion of science and technology, wasteland development, health-care, family welfare, education, welfare for women and children, programme for scheduled castes and tribes. The government sees the potential of a voluntary organisation growing if their "professional and managerial capabilities are built up in a systematic manner...." The Plan also envisages a nation-wide network of NGOs. It states that in order to facilitate the activity of this network, three schemes relating to the creation/replication/multiplication and consultancy development have been worked out by the Planning Commission.⁹³

The Eighth Plan has also spoken about the general recommendations of a Task Force which had been set up by the Planning Commission to study and develop appropriate self-managing institutions for integrated development at the village/block and district levels. Recommendations have included the setting up of village institutions with the entire community's membership for the purpose of development, and the identification of the existing voluntary agencies with a good track record that they can be replicated and the setting up of a national grid

of voluntary institutions at the central level to provide them with a forum.⁹⁴

The Plan envisages voluntary organisations as "catalysts" in the process of overall development of an area which will be possible through a three-pronged approach - generation of awareness, inculcation of appropriate skills and convergence of developmental programmes.⁹⁵

Participation of non-governmental organisations has been mentioned favourably in fields of education,⁹⁶ prevention of environmental degradation,⁹⁷ integrated development of rainfed areas,⁹⁸ agricultural extension,⁹⁹ drinking water projects,¹⁰⁰ rural sanitation,¹⁰¹ and women's development.¹⁰² In the ongoing welfare programmes their important role has been reiterated.¹⁰³

The State patronage and support to voluntary activity which was evident in the Seventh Plan must be seen along with patronage and support to voluntary activity extended by international agencies. The World Bank and its agencies are funding many development programmes through voluntary agencies because, as smaller non-bureaucratized bodies, voluntary organisations are seen to be more efficient. Their close association with the local populace and its specific requirements, give them a democratic participatory character as well.

A commentator states that international agencies giving aid for development agencies,

..... have long endeavoured to set up collaborative relations with NGOs, particularly since the 1960s. These relations have been inspired by an ideological blueprint, such as helping a newly independent country to develop a pluralistic society (a view widespread in the United States) or advance social democracy (a motivation common in Europe - particularly among the Scandinavian countries). Pragmatic considerations have prevailed with aid agencies that look at NGOs in a functional way, that is, as more efficient conduits for development inputs. Some relationships have been structured through specialised institutions and procedures; for instance, the European Community and most bilateral aid agencies have substantial programmes for NGO projects. The World Bank carries out a policy dialogue and operational cooperation with NGOs.¹⁰⁴

Suresh Sharma points to:

the incontestable fact : perhaps nearly half - firm estimates are difficult, but it could be anything between 200-300 crores a year - of money spent in the voluntary sector is provided by foreign funding institutions.¹⁰⁵

Talking about finding too, Prema Vishwanathan states:

In 1989 the government's coffers yielded as much as Rs.250 crores annually, while external assistance amounted to an even higher figure - Rs.350 crores to Rs.450 crores, according to the estimates of the Parliament. If one includes donations by private and corporate donors, the money pouring into the voluntary sector was in the region of Rs.700 crores to Rs.800 crores a year.¹⁰⁶

Some commentators upon the voluntary sector have viewed the proliferation of voluntary organisations as a direct consequence of the increased patronage by the State and the aid-giving agencies. Yet another conse-

quence they point to, is an influence upon the "nature" of voluntary activity, by the proliferation of voluntary agencies which are "not rooted to the soil" but are professional agencies, drawing membership from the middle class, emphasising efficiency. Harsh Sethi points out:

Very few of these groups are actually involved with the base communities in a day-to-day sense. Even the professional groups who work in the field do so more as managers of development programmes, and hetic of participation apart, have little in common (if not contempt for) the poor with whom they work.¹⁰⁷

Rajni Kothari is concerned over the increasing popularity of the NGO term and frame-work. He not only regrets the absence of social orientation in the term, but also sees it as an effort to colonise anew the hinterland of India. He sees it as a ploy of the state for bypassing bureaucratic structures of a government department, and consequently to "privatise" the state in order to facilitate the transnational capital to enter into the informal economies of the rural areas, e.g., in the field of dairying, wasteland development, forestry, etc.¹⁰⁸

However, that there were vastly different perceptions to the closer alignment between voluntary organisations and the state had become clearly apparent in the Seventh Five Year Plan. These became singularly clear in the reactions to the government's draft legislation

in 1986 of setting up National and State Councils and a Code of Conduct/Ethics for the voluntary organisations.

One group saw this emerging close relationship with the state as good and useful for their projects and work¹⁰⁹ and as recognition of the work they had been hitherto involved in without fanfare and publicity. They saw no conflict between the increased state support being made available, and the voluntary "non-governmental" nature of their work. In fact they aspired for an atmosphere of more non-bureaucratised functioning.¹¹⁰ While they may have been critical of the government's delivery system, its inability to deliver the goods, and may talk of mobilising rural people,¹¹¹ to obtain their rights, yet they see the role of voluntary organisations as an additional input, which can bring its skill and resources to improve the system. For them the State recognition adds a legitimacy.

That many of the voluntary organisations do not view their task at hand, in any way at variance with that of the State indicates their close relationship with the State. Their dynamism, efficiency, smallness, geographical proximity to the local and the grass-roots, are their claims to be better and more effective delivery mechanisms than the State itself. Franda quotes from the proceedings of a seminar attended by 28 leading voluntary organisations of India, in which,

among the conclusion was the statement that the government "should not only appreciate the importance of Voluntary Organisations but also encourage them (and use them) for promoting programmes like Agriculture, Animal Husbandry, Village Industries, and so forth".¹¹²

However, ranged against the proposed Draft Bill on the Council, and Code of Conduct were those voluntary organisations and their supporters who saw this as evidence of the government's desire to regulate and coopt the voluntary sector. They saw it as a regulation of voluntarism, which is essentially a "non-State energy".¹¹³

This proposed bill was also seen by some organisations as another in the line of State actions which had attempted to compromise the independence of the voluntary sector, the chief characteristics of which were autonomy and flexibility. Amendments to Foreign Contributions Regulation Act,¹¹⁴ and the setting up of the Kudal Commission¹¹⁵ to investigate the working of some Gandhian Organisations were two recent outstanding instances of the State attempting to stifle the independence of voluntary organisations.

Kothari opposed the proposed legislation seeing it as the government's move to coopt the voluntary sector. He points out:

It is argued that a statutory bill and code of conduct are inimical to the spirit of voluntarism,

that they will stifle the independence of NGOs and their capacity to highlight the plight of the poor and marginalised sections and oppose government policies that contribute to such a plight, that they will increase rather than decrease governmental interference and that they will, by driving a wedge between those who accept joining the council and those who do not, polarise rather than bring together the NGO sector. 116

Critics of the Code also point to the peculiar situation where only rural development organisations, and only those which were registered bodies, could obtain membership of the Council.

Jai Sen points to the inherent contradiction in attempting to legislate and to regulate the field of voluntary action where there is tremendous complexity and subjectivity of approach in intervention:

This condition of difference and variety (in the voluntary sector) has taken shape for obvious reasons. One is the result of people entering such work for differing reasons; secondly, as a result of these differing perceptions, leading to very different encounters with reality and to very different lessons on how to move forward; and in particular what kind of 'organisation' - in the sense of organised effort, not necessarily an institution - is required to achieve this. The consequence of all this is that the so called "voluntary sector" as a whole does not have any singular logic or motive, unlike - for instance - the private sector with its logic of profit But it is also a fact that it is easy to forget this variety in the climate of today's debate, where institutional voluntary work has become a dominant form because of its scale and compatibility and 'fit' with the dominant society. This has taken place even while we know, within ourselves, the importance and vitality of other more flexible, less institutionalised and often individual forms of voluntarism in our country 117

An important concern in the argument against the proposed legislation was to draw attention to the presence of people's action, also voluntary in nature and origin. Though it does not take the shape of an agency or institutional format, it is an expression of ideas, opinions and feelings of people.

Kothari points out that:

".... the social thought on which voluntary effort is based has to move out of the paradigm of developmentalism that is inherently both statist and corporatist. This is a severely delimiting conceptualisation. The new concept that is emerging is built around the rights and liberties of various sections of people...."¹¹⁸

Jai Sen suggests, a categorisation to clarify the terrain:

The terms "voluntary" and "voluntarism" should be used only in situations where there is no registration, license, legitimisation, protection or constraint by the State. All organisations in the development field hitherto called "voluntary" but who are registered or otherwise associated with the State should henceforth be called "development organisations" or any other name.¹¹⁹

While the proposed legislation on the Code of Conduct and Council was eventually dropped, nevertheless the debate generated did highlight some important issues which have added to the understanding of the voluntary sector.

The questions may be posed : "Is development totally dissociated from mobilising activity?", "Will a development organisation be dissociated from mobilising

activity?", "Will a development organisation be committed to preservation of status quo or be willing to subscribe to change?" If so, "what kind, and what degree of change?"

Here we may examine the situation of contradiction implicit in the State-voluntary organisation relationship. Elridge and Nilratan point out that the relations between the two are characterised by a blend of cooperation and conflict and hint at a possible explanation for this. They point out :

Essentially, this is caused by contradictions arising from the necessity both to mobilise people to demand rights and services and dependence on government for numerous good offices. No doubt NGOs also hope to influence the mainstream formulation and implementation of official developmental programmes while welcoming greater access to funds and other benefits. At the same time, they fear loss of identity and grass-roots links.¹²⁰

Here we must refer to our earlier discussion on the possible evolution in perception of voluntary organisations to the task at hand. The vision of a voluntary organisation may be an evolutionary one. It may evolve from relief, to development to politics as its understanding deepens and interlinkages are comprehended. An organisation may thus move from development to mobilisation.

Sethi has pointed out that developmental activity may be a way of making an entry into an area:

Constructive work activity has a value in providing an entry point for more radical work or in generating cadres for organisational or political activity....¹²¹

However, Nilratān and Elridge in their study of voluntary organisations in Bihar point out to the difficulty, in practice, for voluntary organisations to integrate the developmental as well as mobilisational aspects. They point out:

Most social workers and activists see a vital need to integrate the two modes of action, or at least deny that one can be pursued without the other. In practice, very few groups achieve this ideal and most tend to emphasise either developmental or mobilisational aspects but rarely both.¹²²

Part III

The Grass-Roots Organisations

Partly because of the close relationship in which voluntary organisations had been placed with the Indian National Congress-led Indian National Movement, and partly because of the State sponsorship of voluntary organisations in social welfare, and later in developmental activities, there has been a continuing association between the voluntary organisations and the State in India. However, there did remain individual and group initiatives, which, inspired by different ideals and impelled by differing motivations, struck out

a path independent of the State. Commentators on the Indian socio-political scene have pointed to the appearance of a new kind of mobilisation which became evident in the period of the late sixties and early seventies.

People's initiative in this period was influenced and inspired by a unique radicalisation. The agitations, protests, strikes in the period, and later the Emergency issue highlighted not only the ferment among the people, but also highlighted a new kind of voluntary people's activity. This was totally independent of State support, taking up issues of the poverty and survival of the poorest and the most vulnerable sections of the community and intervening in the basic problems of their life and living - wages, food, health, literacy, inquiring into causes of marginalisation and powerlessness, etc.

Rajni Kothari locates this new initiative, and new voluntarism in the context of the "people's resurgence" in this period, which saw the people active and forthcoming in voluntary action.

These initiatives have been described by different authors as 'non-party political formations',¹²³ 'grass roots initiatives',¹²⁴ 'people's movements', 'people's organisations', 'social action groups',¹²⁵ 'action groups',¹²⁶ etc. Commentators on social mobilisation are

anxious to clarify the difference between voluntary organisations which are closely related to the State and people's voluntary activity. Kothari calls the former passive voluntarism, in effect cooperating with the government and business houses through agency work.¹²⁷ He points out that passive voluntarism:

raised no awkward questions of a structural kind, on the whole kept away from politics and hardly ever took mobilisational roles, at any rate, not of a confrontational nature.¹²⁸

He describes the new voluntary activity as:

something that is sui generis developed from among the people, with a different kind of role than that of the government inspired agencies which still followed a development model that had, in fact, failed to deliver the goods.¹²⁹

Kothari draws a picture of the emerging trend in voluntarism:

Some of these actions and movements are of a struggle type, against injustice and oppression. Others are of a moderating and corrective type, as a part of renewed religiosity, of the assertion of tradition and above all, intervention in regard to nature There is underway a tremendous assertion of traditional identities and of regionalism. I am talking about new kinds of action groups that emerged from the mid-60s to the late 70s, who thought about development and technology in different ways and who thought of mobilising social groups in different forms. I have in mind the emergence of non-party political formations. These are not merely voluntary organisations; these are voluntary organisations that intervene politically on behalf of the poor, on behalf of the landless, adivasis, dalits, women and children and many other oppressed groups.¹³⁰

This was a people's mobilisation, in different geographical areas, around different issues which were disparate, diverse and apparently quite unrelated, and was led by young middle-class activists, or by local leaders.

However, this phenomenon of new voluntarism has been described as a 'trend' or 'tendency' because, despite the multiplicity and variety of these subjective endeavours they spring from a common concern, working for and with the exploited strata with a view to transform society.

This new kind of activity in the arena of voluntarism has been led by young middle class activists. Kothari has referred to:

the emergence of a new class of mediators in the political process, generally called the activists, upper and middle class in their social origin but identifying themselves with the lower orders of society.¹³²

According to Sethi :

These groups are organisations composed mainly of sensitised/radicalised middle class youth, working for and with the oppressed and exploited strata with a view to transform society....¹³³

Sheth too points to the same phenomenon:

The change in the nature of grass-root activity and initiatives in India came about in the early and middle seventies when the middle class educated youth began to go to the villages and tribal belts in sizeable numbers to work with and for the poor.¹³⁴

The diverse issues raised by them may include the issue of non-payment of minimum wages, access to resources like land, water, forest produce, caste oppression, bonded labour, health, alternative science, environment, women, civil liberties, etc. But the commonality at the core of all of them is a concern for the poor and economically deprived.

According to Sheth :

...they all share a common perception about the ... sources of misery of the 'left out' as a consequence of the prevailing model of development.¹³⁵

Says Kothari:

It is with the plight of these rejects of society that 'grass-roots' movements and non-party formations are concerned.¹³⁶

While it is easy to comprehend the economic core in issues like mobilising for minimum wages, the issue of bonded labour, access to forest produce, etc., the novelty of these groups lies in the fact that they approach all issues : environment, health, literature, science, theatre, education and culture from the framework of the economic position of the poorest. They would like to demystify science in order to make it available to the common man, demystify the health and medical structure to enable it to be viewed from the viewpoint of the poorest and holistically, approach environmental issues in relation to the survival needs

of the poorest, of the tribal or the hill dweller. Their agenda thus embraces the need of the common man.

They are able to pose issues in a way that exposes the anti-poor bias in the established way - whether it is the expensive, complicated health system which ignores simple requirements of the poorest, the knowledge system (where specialisation and complexity may ignore traditional wisdom), or environment where commercial interests hold the common man's survival needs to ransom. They have also been described as being part of a movement of alternatives which questions the wisdom of the established way and suggests alternative perceptions which may be more sustainable as well as more just to the poorest. Alternative views may be seen in handling science or environment or even development. Says Sheth :

The emphasis of their programmes vary very widely from raising the level of material life/natural life, to raising consciousness, to demanding a rightful share of the national cake, to working for self-reliant economic social and cultural developments in the local and regional settings. But almost all grass-roots workers are in their different ways in search for an alternative to the present model.¹³⁷

Examples of such groups are, in the people's science movement - Medico Friends Circle, the Jamkhed experiment, the Patriotic People's Science Movement, ASTRA (Application of Science and Technology to Rural Areas), consciousness and awareness raising - the Kerala

Shastra Sahitya Parishad (KSSP); in the politico-organisational field - the Shramik Sanghatana in Dhule, the Bhoomi Sena in Thane, the Chattru Yuva Sangharsh Samiti in Bodh Gaya, the Mazdoor Kisan Sangharsh Samiti in Bihar, the Ryotu Coolie Sangham in Andhra Pradesh, Kanakapur Raiyat Sangha in Karnataka.

Within this category of grass-root groups may be included other groups which may be vocalising concern with the environment and ecology movement - such as the Dasholi Gram Swaraj Mandal in the U.P. hills, the Mannu Rakshana Koota in Karnataka; those in the women's movement such as the Stree Shakti Sanghthana (Hyderabad), Manushi (Delhi), Saheli (Delhi); those in the civil liberties movement like the People's Union for Democratic Rights (PUDR), People's Union for Civil Liberties (PUCL), the Citizens for Democracy (CFD).

To these could be included lawyers active in rendering free legal support to the poor sections, popular theatre which puts forward the people's perception, upholding their interests, professional groups willing to look beyond their immediate economic gain and uphold the principles of justice. It may even include committed journalists attempting to unravel complex issues to highlight the real situation of the oppressed groups.

Moreover this new category of voluntary organisations have drawn sustenance from, as well as helped foster support for

... a new genre of 'movements' that, while having an economic content, are in practice multidimensional and cover a wide terrain - the environmental movement, the women's movement, the civil liberties movement, movements for regional self-determination and autonomy and the still small and feeble but slowly gaining movements for peace, low military budgets and an anti-hegemonical stand vis-a-vis our neighbours.¹³⁸

Thus apparent in the civil society is a new kind of voluntary activity which he sees as social voluntarism, springing from the people and identifying itself closely with them. Rajni Kothari sees it as

in the parlance of the national movement, a shift back to what is known as rachna (constructive work) from vikas (progress) or 'development' as conceived by the government.¹³⁹

He contrasts the two broad categories of voluntary activity and organisation - those who implement the government scheme and those

formed in the late sixties and early seventies, formed by people who were critical of the pattern of growth that we had embarked upon, who wanted to directly reach out to the poor, the landless the delits, the adivasis and others.¹⁴⁰

The uniqueness of the initiative lies in the fact that they are :

agencies that are formed by a larger and more holistic spirit of social voluntarism (not agencies of some external body). For we need to remember that, believing in statism and statist view of development, we have undermined whatever was

already there in terms of the voluntaristic base of Indian society as well as the new voluntarist thrust that had come up during the national movement.¹⁴¹

However, the earlier voluntary activity, with a relatively 'apolitical' stance serves a purpose too.

D.L. Sheth points out:

This is not to deny the fact that these non-political developmental organisations are of significant help in providing succour and relief to the poor in times of man-made calamities. They perform this task in a manner, that left to itself; the development - bureaucracy of the government cannot.¹⁴²

Kothari also sees a role for the voluntary organisations of the developmental type. He points out:

I have no doubt that there are many voluntary organisations of the developmental kind that have done good work and there is much scope for this type of work - work conceived not as an appendage to a government programme but as an independent role to be played in the development of the country which cannot be played by government institutions.¹⁴³

However, Sheth apprehends that apolitical groups - are subject to the official governmental policies which either keep them in a state of permanent mobilization for enlisting their support to the regime.¹⁴⁴

Thus while commentators on Voluntary Organisations attempt to distinguish development voluntarism and new voluntarism; between voluntarism as it was developing in a close relationship with the State, and the people's organisations which accommodate a degree of dissent

against the State; nevertheless a core similarity needs to be pointed out. They both share a normative essence which is a characteristic of voluntarism. The constituency of both remain the poor, the weak and the deprived groups. The similarity however ends here.

The whole perception of the new voluntarism towards the issue of poverty, its genesis, its persistence, and poverty alleviation, differ vitally. It comprehends wider linkages of the apparent economic denial and is able to perceive the power dimension at the root of deprivation. From this flows their different perception of social transformation which tends to make a very sharp divide in the voluntary sector, splitting it as it were, into two groups. The development voluntary organisation is usually willing to work within the state established system, facilitating its implementation, while the activists' voluntary organisation tries to push back through available means the structures delimiting the poor. Essentially this New Voluntarism is a voluntarism mixed with activism. It may be seen as an enriching of the arena of voluntary activity by bringing into the fold new insights, new strategies of working and new visions of social transformation.

Upendra Baxi's distinction between voluntarism and activism will make the issue clear. Thus :

Voluntarism may be seen as typically oriented to the service of the victims of the state and civil

society, the principal goal being existential amelioration of victim groups. Its ideology does not question why the victims groups become and remain so....¹⁴⁵

And on the other hand,

In acute contrast activism seeks to empower the victims. It is based on some manifest or latent critique of the organisation of the distribution of power in society. The critique is based and finds its raw material, in the pathology of power.... Activism is thus characterised by a militant and radical interrogation of power in the title of "justice". In helping people understand that their exploitation is due to social, political, human arrangements and institutions, activism seeks to remove the culture of faith.¹⁴⁶

It may be asked, "What is the rationale for the changed nature of voluntary activity?" The answer that the query begets is : It is a combination of many inter-related phenomenon that has contributed to the rise of this social mobilisation. The period of the late sixties and early seventies had been characterised by a disappointment with the inability of the prevailing model of development to deliver the goods, and by a resultant despair and occasionally radicalisation among the sensitive youth. There was also dissatisfaction among the academia in the Third World, with the inability of the prevailing theories of development to explain the poverty and underdevelopment in their part of the world. The period saw the appearance of fresh theories which attempted to fill this lacuna.

India like many other developing nations, had been influenced by these post-war Western theories.

Prominent among these was W.W. Rostow's "Stages of Economic Growth" which upheld that development universally proceeds through five stages - traditional society; preconditions to take off; take off; drive to maturity; age of mass consumption. Implicit in the idea were certain presumptions that development was a universal and linear process of evolutionary progress in which there are definite stages through which all nations have to necessarily pass; that the Western nations had already travelled on the path of growth and were in a higher stage of growth.

The ideology of the dominant pattern of development was that development was equated with economic growth and economic growth was accepted as progress. A critique of these notions came from the later American dependencia school which linked the development of the west to the underdevelopment of the colonial nations. Hermassi points out:

The central idea of the neo-Marxists is that far from being independent occurrences, the development of the industrial countries and the underdevelopment of the poor countries are opposite phases of the same historical process... the historical process of the expansion and development of capitalism throughout the world simultaneously generated and continues to generate both economic development and structural underdevelopment.¹⁴⁷

Moreover, the promised "trickle down" of economic growth implicit in the growth model of development adopted in

India had failed, raising questions about the possible structural impediments of the process.¹⁴⁸

Within India there was a glaring evidence of the ineffectiveness of the growth model. As D.L. Sheth highlights, the scenario was grim. There was rampant poverty. The successive governments had been unable to meet the needs of the poor. Apparent also was the widening divide between the rich and poor and the obvious disabilities arising from ill-planned industrialisation. Out-migration from the rural areas, the appearance of urban slums, the rampant unemployment, the degradation of the environment both from consumer - bred wants and survival needs were other symptoms of failure. Gross and glaring discrepancies in 'development' were apparent. In Sheth's words:

It is astounding that a programme of colonial type exploitation of the primary producers (the vast population is of tribals, artisans, small and marginal farmers and landless labour) by a small urban industrial elite, and its client class of a dependent rural elite, has passed muster as a programme of rural development for as long as three decades now.¹⁴⁹

The model of development based on a Theory of Modernisation adopted in post-Independence India had clearly been unsuccessful. The social mobilisation evidenced in the rise of the new voluntarism has been perceived by some authors as organisational responses to the ill-effects of the developmental policies of a State which appears to have lost its elan. Commentators on

the issue also point out that existing voluntary organisations evolve, changing their perception from an uncritical understanding of social issues to a political and critical perception.¹⁵⁰ Harsh Sethi has pointed out:

Having confronted misery in its starkest forms, they are forced to ask the questions - "Is all this suffering necessary?" "What causes it?" "How come it is only the poor who suffer?" "Can social problems be dealt with by charity?" Then starts the process of internal turbulence and debate. This debate is both internal and external, and very often individuals and organisations change through the process of open-ended questioning.

Scholars writing on the subject, primarily Kothari, Sheth, Sethi, perceive the rise of these action groups, grass-roots organisations, as a consequence of the harmful developmental policies of the government, and the changing nature of the state.

Says Kothari:

There is a growing concern that the state has not been able to function as an instrument of liberation and enfranchisement of the poor and deprived, of the excluded peripheralised and the various minorities.¹⁵¹

And the state has tended to acquire the nature and role of an adversary of the people. Kothari states it thus:

Today the state is seen to have betrayed the masses, as having become prisoner of the dominant class and their transnational patrons and as having increasingly turned anti people.¹⁵²

Harsh Sethi views the appearance of these initiatives as an indictment of the State, of political parties and the political process.

The State (in a welfare sense) is seen as having reached a point of exhaustion unable to replace the destruction of the livelihood systems, subsistence economies, and the natural environs of the poor. The parties are seen not only as corrupt and inefficient, but essentially as brokers responding to only those with some entitlements - in a sense as feeding upon the miseries of the oppressed. The dominant political process is seen as having acquired the character of a market contributing to only a further fragmentation, manipulation, cooptation and repression of any who dare to resist, much less protect....¹⁵³

Sheth sees the State as having lost its autonomy to the forces of the market :

Intervention on behalf of the poor to restrain the market forces from destroying the local subsistence economies and their natural environs (which at least provided food and shelter to the poor) has come to an end.¹⁵⁴

After having seen the nature of voluntary activity in the period of the seventies in terms of its historical conjuncture we now focus our attention on the issues interventions, modalities of working and objectives they uphold.

The initiatives of these groups cover diverse fields - drinking water, irrigation facilities, payment of minimum wages, caste oppression, gender oppression, empowerment of communities, resistance to vested economic and social power, issues of ecology and environment, issues of survival and social forestry in

hill areas or tribal areas. Their constituency has been the poor, the dalits, the women - what D.L. Sheth has termed, "the untouchables" of development.¹⁵⁵

Kothari elaborates on the issues taken up by these groups:

... problems of the ethnic and religious minorities, of the forest people effected by environmental degradation, of people in the north-east and lately, of various 'nationalities' asking for regional autonomy. There are others who concentrate on important aspects of bonded labour, child labour, women's labour, migrant labour, and the labour of those who have been displaced from their homelands by various development projects (dams, thermal plants, 'social forestry' projects)¹⁵⁶

At one level the grass-roots groups are a critique of the government; they are also a critique of the existing political parties especially the left. The grass-root groups have taken up the issues of poverty, marginalisation and deprivation which in a sense is the historic constituency of the traditional left groups. Says Sethi :

It is a reality that the political parties, in particular the Communist Parties, have not been able to organise large sections of the working classes; rural poor, women, urban unorganised sections, why even fair chunks of the organised sector working classes. So what do these classes and strata do? It is this gap between the party and the class that the various action groups and voluntary agencies seek to fill.¹⁵⁷

Commentators have pointed out that the appearance of "a set of non-State actors"¹⁵⁸ had become inevitable

because the left parties have been interested in taking up issues only of the organised working class (to which this largely unorganised group does not belong) and because the parties have been coopted into the political system of elections and political parties.

The activists, while working in their chosen field can take various forms of initiatives and several forms of intervention. These may range from investigation and writing of well-documented reports highlighting various issues of deprivation, marginalisation, backwardness, and publicising the various localised struggles of people against marginalisation, or the erosion of civil and democratic rights. The activists could help to organise support services in the field of health and medicine which would be helpful for the poorest groups. They could concern themselves with the actual search for technical solutions to problems like water and fuel scarcity. They could concern themselves with the issue of economic empowerment of a community, or of a particularly vulnerable group within it, like the women or the dalits. They could actively involve themselves supporting or organising a group or community for struggle against oppression, against powerful castes, landlords, State power - and very often a combine of the three.

This activity which though in appearance close to the politics of the left and radical parties, has yet

kept a separate identity from those parties. Some of these groups may be fronts of left parties. They may have some links with the IPF, CPI (M) or the CPI (ML) groups. At this extreme end of the continuum that comprises of people's voluntary activity attempting social transformation, the dividing line between non-party activity which may have a political agenda and party - activity of the left-radical type becomes blurred. Perhaps the only clear difference that can be pointed out is the participation of left political parties in election; and their desire to wield State power. Non-party groups on the other hand do not aspire for State power. Instances of groups which are involved in politico-organisational work are the Bhoomi Sena,¹⁵⁹ Shramik Sanghathana,¹⁶⁰ Chattra Yuva Sangharsh Vahini,¹⁶¹ the Mazdoor Kisan Sangharsh Samitis,¹⁶² - to name but a few.

Thus it is clear that there are many kinds of organisational initiatives and interventions which "precludes any possibility of putting this heterogenous collection of organisations and activities under a single rubric"¹⁶³

It has been pointed out that in course of their activity, these activist groups concentrate their attention not only on the specific issue at hand (which may have social, economic or political overtones), but

take up a wide comprehensive approach to the issue, stressing a holistic perception. Their initiatives will endeavour to understand and establish wide inter-linkages

seek[ing] to cover the ecological and cultural issue as well, including a sustained attack on sources of 'internal' decay and degeneration such as drunkenness filth and insanitary conditions of the environment and neglect and exploitation of the children.¹⁶⁴

The consequences of this kind of voluntary activity which not only dissociates itself from the State but offers a stern critique of its development and its policies have been far reaching and significant. Not only has it pushed to the centre-stage issues of the marginalised, and forced the government to make some responses, it has helped to alter the content of politics by pushing into it issues which were once considered as having no relation with politics - issues of environment, technology, migration and displacement, health, housing and education, women's issues - by relating them to poor, their life and survival. Thus it has pushed back the frontiers of politics.

Further, it has approached these issues in a 'political' way, i.e., in a way that is meaningful for the distribution of power in a system. They are able to comprehend development in a 'political' way, and as they challenge establish systems and status quo and vested oligarchies, they are willing to comprehend development

as 'struggle'.¹⁶⁵ They are conscious that their constituency, the poor are without economic bargaining power.

Baxi points out, that these activist groups are "on talking terms with state power".

The activist typically believes that there is a realm of politics outside the arena of competitive party politics. The activist, typically shuns party politics, but is not one bit averse to the practice of politics, ideological politics, combining, but certainly going beyond, the configuration of ideologies latent or patent in party politics.¹⁶⁶

Kothari has used the term "redefinition" of politics to comprehensively describe the novel issues, the novel treatment of the issues these groups have upheld and the notion of social change these groups would perceive. Redefinition embraces all the possible transformation which their altered vision may influence. Baxi has used the term "new politics".¹⁶⁷

Kothari's understanding of "redefinition" of politics includes prevention of depoliticisation of the masses, looking at politics beyond merely legislative and electoral politics, including new subjects into the content of politics and offering them new arenas of controversy and struggle. Newer issues would include issues of environment, civil liberties, women's issues, peasant movements, peace movements as well as movements for regional self-determination and autonomy.

Redefinition of politics would like people to be centre-stage in the issues that concern them. This would prevent the decline of politics into an activity of professional politicians and political participation into a farce of periodic elections. It would also prevent the present trend of seeking techno-managerial solutions to problems of the people.¹⁶⁸

Says Kothari :

On the whole, it would be a mistake to think of these action groups, either logically or empirically as one has thought of political parties. As I see it, their role is neither antagonistic nor complementary with the existing parties. It is a role at once limited (in space and expanse) and more radical - non competitive with parties, but taking up issues that arise from not merely local and national but also international forces at work. The individual effort is by and large expressed in micro terms but it deals with conditions that are caused by large macro structures.¹⁶⁹

In course of their working these groups imbued with social voluntarism may throw up notions of alternatives - alternatives in the handling of science, and technology, alternative life styles which are balanced and non-exploitative, alternative development which is sustainable, participative, non-exploitative, and which does not create dependency patterns.

However these micro initiatives have not yet (and in fact are not expected to - given the fledging stage they themselves are in) been able to offer a complete alternate frame-work of development.¹⁷⁰ However, as

Baxi points out:

Thus we have a variety of critiques and reconstructions: the feminist and the ecological being the most prominent. We have also a whole variety of concrete social alternatives, participation and protest to injustice, health, education, to mention a few salient forms of new politics.¹⁷¹

D.L. Sheth has commented on the unique style of interaction of the activists with their groups :

the new change-agents and grass-root organisations are devising new forms of political action through peaceful protests, sustained sensitisation, mutual learning and training of cadres, and a long-term process of close identification of language and life-style between the people and the change-agents. They are in short creating a kind of non-electoral politics which has economic and cultural content,...¹⁷²

Thus their objective and agenda of change would cover not only politics, but the social, cultural arena as well as modes of participation and interaction. For example, the issue of democratic working and gender equality would be assimilated in their notion of change, as would be democratic participation. The issues would be seen not as isolated phenomenon, but in their complex interlinkages. As an example, Harsh Sethi points to the example of Jamkhed where a comprehensive health-care project attempts a new approach to health :

To begin, there is the accent on the central role of the community and not on the doctor. In addition there is a strong evidence of a learning process ...that health-care cannot be handled within the realm of medicine alone. There is need

for income and employment generation as also cleanliness and nutritional awareness. Thus the Jamkhed project has got involved in both developmental and educational tasks which is new for 'health-care experts'. Linked to this is the more recent wage question. Thus there is a process of moving from a specific professional intervention to a more general one covering many more areas of existence than just health.¹⁷³

The all-comprehensive objective of this complex maze of voluntary interventions and assertions at the grass-roots would be to push the poor to the mainstream discourse, and alter the State's perception of them.

Says Kothari:

They have to be seen as part of the democratic struggle at various levels as attempts to open up alternate political spaces outside the arena of party and government, though not outside the State, rather as new forms of organisation and struggle meant to rejuvenate the State and make it again an instrument of liberation from the morass in which the under-privileged and the oppressed are trapped.¹⁷⁴

With the vision of transformation they embrace, these groups (which arose because of the weakness and ineffectiveness of the left parties and their programmes of reformation and change), have been termed as the non-traditional left.

What are the implications drawn from this brief examination of the grass-roots voluntary organisation?

At the simplest levels they are expressions of dissatisfaction with the prevalent situation. Even though they take up divergent issues, the common

underside of poverty which they share, makes them a united critique of the state's development policies.

They reflect the fact, that inspite of 'social engineering' efforts by the state, in practice much still remains to be done. Their purpose is to alter the situation as it prevails. They also generate some suggestions for alternative patterns.

Finally, these grass-root groups should not be perceived from the point of view of "associational richness and plurality in democracy", but as dissenting voices raising issues of economic survival, criticism of the State, and a struggle for change.

They are being perceived by some scholars of the Indian political system as bearing a potential for acting as agencies of transformation towards a more equitable, more harmonious system.

However, despite the appearance of a new strain of voluntary organisations, those organisations which were built around traditional concerns like relief charity development, etc., continue to exist. It will be useful at this juncture to examine some classification schemes suggested by some authors in order to facilitate the understanding of the prevailing scenario in the field of voluntarism.

Harsh Sethi has suggested the following organisational classification:

- a. Development and Charity Groups.
- b. Action Groups involved primarily in the processes of conscientisation, mobilisation, organisation of the oppressed without an explicitly stated political perspective (very often such groups pose as being non-political or even anti-political)
- c. Political Groups carrying out tasks very similar to action groups but formed with reasonably clearly defined political perspectives and goals.
- d. Pre-Party Political Formations Political groups formed with the purpose of graduating onto the level of political parties.
- e. Support Groups carrying out specialised tasks of bringing out journals, documentation and resource centres, lawyers' forums, etc. working in tandem with some other groups and/or political parties. 175

George Joseph and John Desrochers list the following types (approaches) of Action Groups:

- a. Charity and Welfare.
- b. Development:
 1. with or without community participation,
 2. with or without conscientising dimension.
- c. Conscientisation and people's organisations:
 1. with or without development programmes (SPAG or NPPF),*
 2. transformative action groups.
- d. Politics:
 1. non-party political groups,
 2. front organisations and political parties. 176

*SPAGs stands for Semi Political Action Groups, and TAGs for Transformative Action Groups.

It may be pertinent here to refer back to an earlier classification in which we had placed voluntary organisations in a continuum.

1. Those working within the system, making no effort to transform structures;
2. Those which understand the transformation along the path directed by the state, aiding the state in its programmes, i.e. attempting to work for a better and more efficient implementation of laws made by the State, aiding the State in its programmes of better and more efficient service, prevention of leakages, etc.
3. Those which are working for change within the system. They may press the State to make enabling legislation (e.g. for elimination of harmful techniques of working in an industry), or prohibitory legislation to prevent harm to a group (e.g., covering the misuse of amniocentesis tests), or they may press the state for implementing legislation (like minimum wages or abolition of bonded labour). They may use available political and legal avenues for obtaining their demands from the state, e.g. through civil disobedience, dharnas, protests, or through social action litigation. The avenues it uses, and the amendments it demands are within the system.

4. Those which are willing to challenge/change the political, economic structure of the state in this quest for social transformation.

The activities of the voluntary organisations in development fall in the second category of classification.

The action groups, or the non-party political formations have a vision of "redefining politics". Their agenda for change can be adjusted within the legitimate modes of protest available to the organisations - political pressure, passive resistance, litigation, etc.. However, at the extreme end of the "non-party political formations" spectrum, there may be groups which are influenced by violent modes of struggle.

NOTES

1. Philip Elridge and Nilratan, Voluntary Organisations and Popular Movements in Bihar, Mimeographed paper (not dated), p.3.
2. Ibid., p.4
3. Ernest Barker, Principles of Social and Political Theory (Calcutta : Oxford University Press, 1986), p.274.
4. Ibid., p.277.
5. Lord Beveridge, Voluntary Action : A Report on Methods of Social Advance (London : George Allen and Unwin, 1949). Says Beveridge, "The independence of Voluntary Action does not mean lack of coöperation between it and public action". See p.8.

And : "In a totalitarian society all action outside the citizen's home, and it may be much that goes on there, is directed and controlled by the State". See p.10.
6. Stephen Hatch, Voluntary Organisations in Three English Towns (London : Croom Helm, 1980), p.15.
7. AFC Bourdillon, ed., Voluntary Social Services : Their Place in the Modern State (London : Methuen, 1945), in Beveridge, op.cit., p.8.
8. Hatch, op.cit., p.27.
9. Jai Sen, "On Anti-Voluntarism", Lokayan Bulletin (Delhi) 4:3/4, p.13.
10. Ibid., p.14.
11. Micheal Banton, "Voluntary Associations : Anthropological Aspects", David Sills, ed., International Encyclopaedia of Social Sciences (New York : Macmillan, 1968), Vols.15, 16 & 17, pp.357-358.
12. David Sills, "Voluntary Associations : Sociological Aspects", David Sills, ed., International Encyclopaedia of Social Sciences (New York : Macmillan, 1968), Vols.15, 16 & 17, pp.363-375.
13. Jai Sen, op.cit., p.35.

14. Rudolf Heredia, Voluntary Action and Development : Towards a Praxis for Non-Governmental Agencies (New Delhi : Concept, 1988), pp.15-16.

However a sales depot or a cooperative venture may be started around an economic interest, aiming to function in a way that is economically profitable to the target group. This activity may be a means adopted by a voluntary organisation to economically strengthen and empower the poorer groups.

15. David Sills, International Encyclopaedia of the Social Sciences, op.cit., pp.363-375.
16. AFC Bourdillon quoted in Beveridge, op.cit., p.8.

However, Stephen Hatch points to the danger of dwelling only on the 'voluntary' nature of an organisation. "The fact that an organisation is established voluntarily does separate it from all organisations, but not from commercial organisations", Stephen Hatch, op.cit., p.8.

17. Marcus Franda, Small is Politics : Organisational Alternatives in India's Rural Development (New Delhi : Wiley Eastern Ltd., 1979), p.156.

Also, Eldridge and Nilratan point out : "Thus the term voluntary organisation raises the problem that most organisations could not function without paid staff, even though general levels of remuneration in the voluntary sector are well below what can commonly be obtained in the public or private sectors, with longer and more unpredictable working hours". See, Philip Eldridge and Nilratan, op.cit., p.3.

18. Madeline Roof, Voluntary Societies and Social Policy (London : Routledge and Kegan Paul, 1957), p.xiii.
19. Heredia, op.cit., pp.15-16.
20. Hatch, op.cit., p.15.

K.D. Gangrade points to the characteristics of voluntary organisations in the Indian context. "It is registered under an appropriate Act to give it a legal personality and an individual liability may give place to a group liability. The Acts under which organisations may be registered depending on the nature and scope of the activities are the Societies Registration Act, 1860, the Indian Trusts Act, 1882, the Cooperatives Societies Act, 1904, and the Joint Companies Act, 1955." K.D. Gangrade,

- "Development of Voluntary Action", Encyclopaedia of Social Work in India, Vol.I (Delhi Publications Division, 1987), pp.220-221.
21. David Sills, International Encyclopaedia of the Social Sciences, op.cit., p.362.
 22. Stephen Hatch refers to a distinction made between organisations by Amitai Etzioni in A Comparative Analysis of Complex Organisations (Free Press, 1961). Hatch points out that "in normative organisations the involvement of participants is moral, and [in] utilitarian organisations the involvement is calculative. More crudely, some participants take part because they believe in an organisation, others because it serves their purpose". Hatch, op.cit., p.32.
 23. Beveridge, op.cit., p.8.
 24. Quoted in Beveridge, Ibid., p.8.
 25. Friedlander and Apte point out : "As human societies began, the feeling of belonging and the readiness to provide mutual protection were just as influential as the selfish desire to dominate weaker human beings". Walter A. Friedlander and Robert Z. Apte, Introduction to Social Welfare (New Delhi : Prentice-Hall of India, 1982), p.8.
 26. Beveridge, op.cit., pp.8-9.
 27. Rajni Kothari, "Voluntary Organisations in a Plural Society", Indian Journal of Public Administration (New Delhi), Vol.XXXIII, No.1, July-September 1987, p.433.
 28. See, Terry Alliband, Catalysts of Development: Voluntary Agencies in India (West Hartford : Kumarian Press), pp.25-26, 45 & 54.
 29. See, First Five Year Plan, Government of India, Planning Commission, New Delhi, 1952.
 30. Rooff, op.cit., p.4.
 31. Walter A. Friedlander and Robert Z. Apte, Introduction to Social Welfare (New Delhi : Prentice Hall, 1982), p.19.
 32. Ibid., p.19.
 33. In his book Malthus explained that while the food supply increased only in arithmetic progression, the population grew in geometric progression, and

that agriculture, therefore, was unable to feed, a steadily increasing population - a situation he claimed, that made war, famine, and pestilence - necessary to stem this dangerous growth.

34. See, Friedlander and Apte, op.cit., p.19.
35. This was followed by the statute of 1536, Artificers of 1562, Artificers of 1572, Artificers of 1577. The Poor Law of 1601 established the principle that the local community had to organise poor relief for its residents and provide sustenance for the unemployable and children, and work to the able-bodied. Then in 1795 came the Speenhamland Act. In 1834 came the Poor Law Reform.

Says Roof, "Poor Law was administered as a disciplinary measure rather than as an instrument of relief". op.cit., p.3.

Saïd Disraeli of the Poor Law 1834, "To be poor in England was a crime". See Friedlander and Apte, op.cit., p.22.
36. One such was the Association for the Protection of Social Science, founded in the late 1850s. This took part in several investigations in the field of public health, which influenced legislation. Roof, op.cit., p.7.
37. Ibid., pp.7-8.
38. Ibid., p.8.
39. Ibid., p.7.
40. See, David Sills, op.cit., p.366.
41. Constance Smith and Anne Freedman, "Voluntary Associations, Perspectives on Literature", Harvard University Press, Cambridge (Mass), p.2, in M.A. Muttalib, "Voluntarism and Development : Theoretical Perspectives", The Indian Journal of Public Administration, (Delhi), July-September, 1987, Vol.XXXIII, No.3, p.404.
42. D.N. Dhanagare refers to Nalini Nayak, "....action groups start off more modestly with either straight-forward economic or even welfare/relief programmes. Those action groups that are sincere and honest in admitting the growing contradictions they encounter while pushing such programmes ahead, are forced to raise questions of propriety and adequacy of their 'welfare-action' and thus develop

- their own self-critique. Through such a self-appraisal, action groups discover that there is no alternative but to launch organisational and organised activity". See, "Action Groups and Social Transformation in India : Sociological Issues", in C.Lakshmanan et.al., eds., Social Action and Social Change (New Delhi : Ajanta, 1990), p.33.
43. See, Dunu Roy, "Between Dogma and Debate", in Harsh Sethi and Smitu Kothari, eds., The Non-Party Political Process (UNRISD/Lokayan, September 1983), p.59.
 44. D.L. Sheth, "Grass-roots Stirrings and the Future of Politics", Alternatives (Colorado, USA, 1983), Vol.IX, No.1, p.19.
 45. M.J. Joseph referred to in Dhanagare, in "Action Groups and Social Transformation in India", op.cit., pp.30-31.
 46. Philip Elridge, The Political Role of Voluntary Organisations and Action Groups in Gujarat, Mimeographed paper (not dated), p.3
 47. Kirtee Shah, "Critical Questions", Seminar (New Delhi), No.348, August 1988, p.15.
 48. For a good discussion on these motivations and the consequences of voluntarism around charity and religion. See Terry Alliband, Catalysts of Development, (Connecticut : Kumarian Press, 1983), pp.25-26, 45 & 54.
 49. Ibid., pp.27, 40 & 46-48.
 50. D.N. Dhanagare, "Action groups and Social Transformation in India", Lokayan (New Delhi), 6/5, p.41.
 51. J.D. Sethi, "A General Theory of Voluntary Action "A Paper for Workshop on Nation Building Communication and Development at Giri Institute of Development Studies, Lucknow in March 1989, p.1.
 52. Mathew Zachariah points out that the role outlined for the Lok Sevak Sangh was "..... this body of servants derive their authority and power from service ungrudgingly and wisely done to their master, the whole of India.
1. Every worker shall be a habitual wearer of khadi
..... be a teetotaler have abjured
untouchability be a believer of the ideal

of inter-communal unity, equal respect and regard for all religions and equality of opportunity and status for all irrespective of race, creed or sex.

2. He shall come in personal contact with every villager within his jurisdiction.
 3. He shall enroll and train workers from among the villagers
 4. He shall keep a record of his work from day-to-day.
 5. He shall organize the villagers so as to make them self-supporting and self-contained through their agriculture and handicrafts.
 6. He shall educate the village folk in sanitation and hygiene and take all measures for prevention of ill-health and disease among them.
 7. He shall organise the education of the village folk from birth to death along the lines of Nayee Talim..." See Mathew Zachariah, Revolution Through Reform (New Delhi, Vistaar, 1986), p.21.
53. However even among them, the most significant and basic departure came with the jettisoning of the Gandhian ideal of development through self-reliance in favour of a planned economy influenced by the influential post-war development theories with their emphasis on economic growth.
54. Rajni Kothari, "The NGOs, The State and World Capitalism" in Walter Fernandes, ed., Voluntary Action and Governmental Control, ISI Monograph, No.28 (New Delhi : ISI, 1986), p.15.
55. Trusteeship was seen as providing a means of transforming the present capitalist order of society into an egalitarian one. Under the Gandhian economic order the character of production was to be determined by social necessity not personal whim or greed. It did not recognise any right of private ownership of property, except in as much as may be permitted by the society for its welfare. Under State-regulated trusteeship an individual would not be able to hold or use his wealth for selfish satisfaction in disregard of the interest of the society.

56. The Sarvodaya Movement which Vinoba Bhave had guided for many years since Gandhi's death was an expression of revolutionary Gandhism with three major aims - to change the hearts and minds of the people so that they may pursue the truth; to enable people to practice a life style which will enable them to pursue the truth; and, to change social structures enough so that new decentralized structures that facilitate personal pursuits of truth within a nurturing community are possible. See, Mathew Zachariah, op.cit., p.20.
57. Bhoodan, given expression by Gandhi's spiritual heir, Vinoba Bhave, called for surrender of property rights in favour of the village community.
58. H.R. Chaturvedi, "Role of Voluntary Organisations in Rural Development", in The Indian Journal of Public Administration (New Delhi), Vol.XXXIII, No.3, July-September 1987, p.534.
59. Terry Alliband, op.cit., p.48.
60. Ibid., p.54.
61. Terry Alliband has highlighted that "Sriniketan's programme was one of the earliest pioneers of collection of research data on social and economic characteristics of villages [when] government officials had little interest in rural community research and most universities assumed little responsibility for improving village life". Alliband, Ibid., p.32.
62. However, Alliband points out to some major flaws in this "development by decree". He says : "When the government agent was there, Brayne's projects were carried out by compliant villagers not eager to offend the "Sahib". But as soon as they left, villagers reverted to their traditional patterns", Ibid., p.17.
63. Planning Commission Circular to all States, 25 March 1952. See, L.C. Jain, Grass Without Roots : Rural Development Under Government Auspices (New Delhi : Sage, 1985), p.21.
64. Albert Mayer's successful Pilot project at Etawah (U.P.) of the early and mid-fifties aimed at revitalization of Uttar Pradesh's villages through "a system of village-level-workers (v.l.w.) who were trained to provide technical assistance, adult education and community organisation in order to facilitate greater agricultural production, new village infrastructure such as primary schools and

improved housing, and modern village social economic institutions such as pre-schools and producers' cooperatives", Alliband, op.cit., p.38.

65. V.T.Krishnamachari, Community Development in India, Publication Division, 1958, quoted in L.C. Jain, op.cit., p.19.
66. Ibid., p.19.
67. First Five Year Plan, Planning Commission (New Delhi), p.150.
68. Ibid., p.151.
69. Ibid., p.617.
70. Quoted in Mohit Bhattacharya, "Voluntary Association, Development and the State", Indian Journal of Public Administration (New Delhi), Vol.XXXIII, No.3, July-September 1985, p.385.
71. Ibid., p.386.
72. First Five Year Plan, Planning Commission (New Delhi), p.150.
73. The Central Social Welfare Board was set up in 1953.
74. N.V. Lalitha and M. Kohli, Status of Voluntary Effort in Social Welfare, National Institute of Public Cooperation and Child Development (New Delhi : 1982).
75. First Five Year Plan, (Abridged Version), Planning Commission, Government of India, (New Delhi), p.239.
76. Under welfare of the handicapped for scholarship, research and training, sheltered employment and grants-in-aid to voluntary organisations Rs.4.83 crores was sanctioned. Grants-in-aid to voluntary organisations through Central Social Welfare Board were Rs.9.32 crores and grants-in-aid to All India voluntary organisations and for creches, day-care centres for children of working mothers received Rs.1.82 crores. From Sixth Plan Outlay : Social Welfare and Centrally sponsored Schemes, Sixth Five Year Plan, Planning Commission (New Delhi), p.436.
77. Voluntary organisations received under the following heads, the following funds : grants-in-aid through th Central Social Welfare Board Rs.16.75 crores; Scholarships, research and

training, sheltered employment and grants-in-aid to voluntary organisations for welfare of handicapped Rs.12.03 crores, grants-in-aid to All India voluntary organisations Rs.2.75 crores; for promotion and strengthening of grass roots level women's organisations Rs.1.97 crores and for creches, day-care centres for children of working mothers Rs.9.75 crores, Ibid., p.436.

78. Grants-in-aid through the Central Social Welfare Board Rs.20 crores; scholarships, research and training, sheltered employment and grants to voluntary organisations Rs.20 crores; grants-in-aid to All India voluntary organisations Rs.1.00 crore. Figures from Seventh Plan Outlays - Social Welfare and Centrally Sponsored Schemes, Seventh Five Year Plan, 1985-90, Planning Commission, Government of India (New Delhi), p.317.

79. Sixth Five Year Plan, op.cit., p.432.

80. Ibid., p.432.

81. Ibid., p.92.

82. Ibid., p.182.

83. Ibid., p.183.

The Plan also recognised some "success stories" in the field of Voluntary Action. These were the Jamkhed Project in child and health care in Maharashtra, Bharat Agro Industries Foundation Programme in animal husbandry and social forestry, Lijjat Papads in the field of cottage industry and Self Employed Women's Association (SEWA) Ahmedabad, see p.183.

84. Ibid., p.183.

85. The Plan spoke of the added incentive given to business houses engaged in voluntary action by exempting from Income Tax, under 35 CC and 35 CCA, expenditure incurred by them on certain permissible items of rural development. Ibid., p.183.

86. See L.C. Jain, Grass Without Roots, op.cit., pp.49-51.

87. According to Jaitley : "The underlying rationale for this shift has been the recognition that the national programmes for rural development like the IRDP, have not had the desired impact and that the benefits have not reached those for whom these programmes were designed, namely the rural poor, in

sufficient measures". Ashok Jaitley, "A New Phase", Seminar (New Delhi), No.348, August 1988, p.37.

88. Seventh Five Year Plan, 1985-90, Vol.II, Planning Commission (New Delhi), pp.68-70.

89. Extract from Chapter 2, Ibid., pp.68-70.

The Plan also laid down certain criteria which had to be fulfilled in order that voluntary organisations could qualify to help the state with its programmes:

1. The organisation should be a legal entity.
2. It should be based in a rural area and be working there for a minimum of 3 years.
3. It should have broad-based objectives serving the social and economic needs of the community as a whole and mainly weaker sections. It must not work for profit but on no profit and no loss basis.
4. Its office bearers should not be elected members of any political party.
5. Its activities should be open to all citizens of India irrespective of religion, caste, creed, sex or race.
6. It should have the necessary flexibility, professional competence and organisational skills to implement programmes.
7. It declares that it will adopt constitutional and non-violent means for rural development purposes.
8. It is committed to secular and democratic concepts and methods of functioning.

90. Ibid., pp.68-70.

91. Ashok Jaitley, op.cit., p.37.

92. The Ministry of Rural Development has set up a body to deal with the voluntary bodies : The Council for Advancement of Peoples Action and Rural Technology (CAPART). The CAPART was set up in 1986 by merging two existing organisations, namely Peoples Action for Development (India) and the Council for Advancement of Rural Technology. The CAPART channelises funds to the voluntary organisations

for implementing rural development programmes, and to this end a portion of funds available under different anti-poverty programmes, like the Integrated Rural Development Programme, Rural Landless Employment Guarantee Programme, National Rural Employment Programme, Development of Women and Children in Rural Areas, Accelerated Rural Water Supply Programme, Low Cost Sanitation, etc. is made available to CAPART for being given to voluntary organisations. More specifically, the CAPART has been established "to encourage, promote and assist voluntary action in the implementation of projects for enhancement of rural prosperity" and "to strengthen and promote voluntary efforts in rural development with focus on injecting new technological inputs in this belief". From Department of Rural Development, Annual Report, 1986-87. See, Shriram Maheshwari, "Voluntary Action in Rural Development in India", Indian Journal of Public Administration (New Delhi), Vol.XXXIII, No.3, July-September, 1987, p.65.

93. See Eighth Five Year Plan, 1990-95, Planning Commission (New Delhi), pp.39-40.
94. Ibid., p.39.
95. Ibid., p.39.
96. Ibid., pp.284-290.
97. Ibid., p.93.
98. Ibid., p.12.
99. Ibid., p.12.
100. Ibid., p.380.
101. Ibid., p.280.
102. Ibid., p.395.
103. Ibid., pp.409-411.
104. Vittorio Masoni, "Non-governmental Organisations' Role in Development", Voluntary Action, March-April, 1985, Vol.27, Nos.9 & 10, p.122.
105. Suresh Sharma, "Voluntary Efforts and International Funding", Lokayan Bulletin, (Delhi), 5/2, p.87.
106. Prema Vishwanathan, "The Green Green Grassroots", Times of India (Delhi), 30 August 1992, p.11.

The charge of foreign-funding of voluntary organisations working with the poor as a part of the imperialist strategy to delay 'revolution' by defusing local problems of the poorest strata have been made by some left groups. This charge made by Prakash Karat was countered by Harsh Sethi. Prakash Karat, "Action Groups/Voluntary Agencies : A Factor in Imperialist Strategy", The Marxist (New Delhi), April-June, 1984, and Harsh Sethi, "The Immoral Other : Debate between Party and Non-party Groups", Economic and Political Weekly (Bombay), 2 March 1985.

107. Harsh Sethi, "Trends Within", Seminar (New Delhi), No.348, August 1988, p.23.

108. Kothari has termed these non-governmental organisations set up by the government to pre-empt bureaucracy, as GONGOs (Government Organised Non-Governmental Organisations).

He offers the National Dairy Development Board (NDDB), the Society for Promotion of Wasteland Development (SPWD), as instances of GONGOs. See, Rajni Kothari, "The NGOs the State and World Capitalism" in Walter Fernandes, ed., Voluntary Action and Governmental Control, op.cit., pp.11-34.

109. In fact, Sanjit (Bunker) Roy, who was appointed Consultant (Voluntary Agencies) for Rural Development in the Planning Commission for the Seventh Five Year Plan had, in his articles been pleading for a greater recognition of the voluntary sector and the setting up of an autonomous Council of voluntary agencies at the national level, to establish a code of conduct for voluntary agencies acceptable to the Central and State Governments and also to set up a forum of State Government officials and village level voluntary agencies. See, Bunker Roy, "For Prime Minister, A Word of Advice", Mainstream, (New Delhi), 9 March 1985, p.18.

110. Bunker Roy, Mainstream, Ibid., p.16.

111. Sanjit (Bunker) Roy, "Participation in Development", Seminar, No.399, May 1985, pp.24-26, "Enforce Law to Aid Development", Times of India (Delhi), 26 November 1991, "We wouldn't need them if government could do the job", Yojana (Delhi), November 1984, pp.19-22.

112. See, Marcus Franda, op.cit. p.17. He quotes the recommendations of Report of Seminar held on 12 and 13 August 1977, Voluntary Efforts for Rural Development (New Delhi, Gandhi Peace Foundation, 1977), p.5.

113. The Seventh Plan, as we have seen had outlined avenues of 'close cooperation between State and voluntary organisations. This extended role of voluntary organisations in development programmes has been viewed with suspicion. Some critics have even seen it as "a part of the larger effort to jettison the developmental responsibilities of the State, and hand over schemes to non-official agencies for implementation, i.e., privatise the state". Editorial, Lokayan Bulletin (New Delhi), 4:3/4, p.4.

Also significant are the observations of Upendra Baxi in "For Bunker, A Word of Advice", Mainstream, 6 April 1986, pp.28-31. He argues for the establishment, of a more liberal, open environment and greater accountability of the Government. He is against increase in powers of the State which will be inevitable if the National Council of Voluntary Agencies comes about.

114. In 1976 the Foreign Contribution Regulation Act (FCRA) was enacted in order to keep a track of those who received foreign funds for fear that they may be misusing them.

One hundred and forty two voluntary organisations were named by the Government of India as those which would now require prior permission from the government before accepting any foreign contribution.

In 1985, the Foreign Contribution Act was made stricter in order to ensure better control. All foreign money received by a voluntary organisation had to go through only one account and a report had to be presented to the Home Ministry every six months.

See, Fernandes, op.cit., p.7.

Also see, "On Threats to the Non-Party Political Process", Lokayan Bulletin (Delhi), 3/2, pp.37-49. And Suresh Sharma, "Voluntary Efforts and International Funding", Lokayan Bulletin (Delhi), 5/2, pp.85-100.

115. Kudal Commission had been set up to inquire into the working of the Gandhi Peace Foundation.

116. Rajni Kothari, "The NGOs, the State and World Capitalism", in Walter Fernandes, ed., Voluntary Action and Governmental Control, op.cit., pp.13-14.
117. Jai Sen, On Anti-Voluntarism, Lokayan Bulletin (Delhi), 4:3/4, 1986, p.14.
118. Rajni Kothari, "Voluntary Organisations in a Plural Society", in Politics and the People : A Search for a Humane India, Vol.II (New Delhi : Ajanta, 1986), p.434.
119. Jai Sen, op.cit., p.37.
120. Elridge and Nilratan, op.cit., p.5.
121. Harsh Sethi, "Redefinitions : Groups in a New Politics of Transformation", in The Non-Party Political Process : Uncertain Alternatives, Harsh Sethi and Smitu Kothari, eds., mimeograph (Delhi, UNRISD/Lokayan, 1983), p.101.

He also views constructive work as offering "the possibility of experimentation with alternate style of doing things and with different organisational modes and processes", p.101.
122. Philip Elridge and Nilratan, op.cit., p.2.
123. Rajni Kothari, "The Non-Party Political Process" in The Non-Party Political Process : Uncertain Alternatives, op.cit., pp.18-42.
124. See D.L. Sheth, "Grass-roots Initiatives in India", Economic and Political Weekly (Bombay), 11 February 1984, pp.259-261. Rajni Kothari also uses this term. See essay "Decline of Parties and Rise of Grassroot Movements" in State Against Democracy (Delhi : Ajanta, 1988), pp.42-54; and "The Grass Roots Phenomenon" in Politics and the People : The Search for a Humane India, Vol.II, (New Delhi : Ajanta, 1989), pp.401-413.
125. See Rajesh Tandon, "Growing Stateism" in Seminar (New Delhi), No.348, August 1988, p.17.
126. See George Joseph and John Desrochers, Development Human Rights and Action Groups (Bangalore : Centre for Social Action, not dated).
127. Rajni Kothari, "People's Action : A Conceptual Analysis" in Politics and the People : In Search of a Humane in India, op.cit., p.368.

128. Ibid., p.368.
129. Rajni Kothari, "Voluntary Organisations in a Plural Society" in Politics and the People, op.cit., p.421
130. Rajni Kothari, "Phenomenon of Two Indias", in State Against Democracy (New Delhi : Ajanta, 1988), p.227.
131. Harsh Sethi, "Redefinitions : Groups in a New Politics of Transformation", op.cit., p.95.
132. Rajni Kothari, "The Grassroots Phenomenon", in Politics and the People, op.cit., p.402.
133. Harsh Sethi, "The Undesired Aliens", Seminar (New Delhi), No.299, July 1984, p.29.
134. D.L. Sheth, "Grass-Roots Initiatives in India", op.cit., p.257.
135. Ibid., p.257.
136. Kothari, "Decline of Parties and Rise of Grassroots Movements", in State Against Democracy, op.cit., p.45.
137. D.L. Sheth, "Grass-roots Initiatives in India", Economic and Political Weekly, op.cit., pp.260-261.
138. Rajni Kothari, "The Grass-roots Phenomenon" in Politics and the People, op.cit., p.402.
139. Rajni Kothari, "Voluntary Organisations in a Plural Society", in Politics and the People, op.cit., p.421.
140. Ibid., p.421.
141. Kothari, Ibid., p.420. Walter Fernandes also explains : "On one side are the traditional organisations that have been implementing economic programmes. On the other side are the activist groups". Walter Fernandes, "Threats to the Voluntary Sector : An Introduction" in Walter Fernandes, ed., Voluntary Action and Governmental Control, Monograph, No.28, (New Delhi : Indian Social Institute, 1986), p.4.
142. D.L. Sheth, "Alternative Development as Political Practice", Alternatives (Colorado, USA), No.XII (1987), p.166.
143. Kothari, "Voluntary Organisations in a Plural Society", op.cit., p.420

144. D.L. Sheth, "Alternative Development as Political Practice", Alternatives, op.cit., p.166.
145. Upendra Baxi, "Activism at Crossroads with Signposts" in Walter Fernandes, ed., Voluntary Action and Governmental Control, monograph, No.28 (New Delhi : Indian Social Institute, 1986), p.36.
146. Ibid., p.37.
147. Elbaki Hermassi, The Third World Reassessed (Berkeley : California University Press, 1988), p.31.
148. Says Kothari : "Distributive justice was not built into the nation-building design and the development model". See his "Decline of the Moderate State" in State Against Democracy. op.cit., p.29.
149. D.L. Sheth, "Grass Roots Initiatives in India", in Economic and Political Weekly, op.cit., p.260; Also see, Kishore Saint, "Development and People's Participation" in Social Action (New Delhi), Vol.30, July-September 1980, pp.219-226.
150. Harsh Sethi, "Redefinitions", Uncertain Alternatives, op.cit., p.98.
151. See Kothari, "Voluntary Organisations in a Plural Society", op.cit., p.415.
152. Rajni Kothari, "The Grassroots Phenomenon", Politics and the People, op.cit., p.404.
153. H. Sethi, "Introduction : Elements in a Collective Biography", in the Non-Party Political Process : Uncertain Alternatives, op.cit., p.4.
154. D.L. Sheth, "Grass Roots Initiatives in India", Economic and Political Weekly, op.cit., p.260
155. D.L. Sheth, Ibid., p.259.
156. Kothari, "Voluntary Organisations in a Plural Society", in Politics and the People, op.cit., p.422.
157. Harsh Sethi, "The Immoral 'Other' : Debate Between Party and Non-Party Groups", Economic and Political Weekly, 2 March 1985, p.378.
158. Says Kothari ".... they involve actors and modalities that are neither part of the State apparatus nor part of the prevailing party space". "The Grassroots Phenomenon", op.cit., p.403.

159. The Bhoomi Sena emerged in 1970 in the Palghar District of Thana, Maharashtra in response to the oppression of adivasi's by the local elite. It identified adivasis land illegally usurped by money-lenders, engaged itself in seizing crop grown on this land. It graduated to setting up of credit facilities and digging of wells. Organisation of Shibirs (camps), setting up of Tarun Mandals, campaigns against alcohol and bonded labour, reduction of expenses in marriage, issues relating to minimum wages, panchayat elections, were other activities taken up. For details see, G.V.S. De Silva, et.al., Bhoomi Sena : A Struggle for People's Power (mimeo.) (Bombay : National Institute of Bank Management, 1978).

160. Shramik Sangathana is a movement that has been organising the farmers in the Shahada region of Dhule district in India since 1972. This region is dominated by the adivasis population. Issues taken up have been land alienation of the adivasis by the non-adivasis, wages, fighting against repression and atrocities, issue of dalits and women. See, "Shramik Sanghathana, Dhulia District India", in Mohammad Anisur Rahman, ed., Grass-roots Participation and Self-Reliance (Oxford and IBH Publishing Company, 1984), p.60.

161. The Chattra Yuva Sangharsh Samiti came up in Bihar in 1975. It was proclaimed by J.P. as a national organisation in September 1978. Around the period of the Emergency its membership was very high. The CYSS has been closely associated with carrying out a struggle on issue of impact of dam projects in Bhagalpur and Singhbhum, issues concerning fishing and forest rights. But its major effort has been concentrated in the struggle against the Math (temple) land-owners of Bodh Gaya on behalf of the landless Musahars. Some success was achieved. See, Philip Eldridge and Nil Ratan, Voluntary Organisations and Popular Movements in Bihar, Mimeographed document (not dated).

162. The MKSS or the Mazdoor Kisan Sangharsh Samiti is a group with CPI (ML) connections. It is active in the areas of Jehanabad and Gaya in Bihar attempting to organise the poor peasantry around issues of wage and other manifestations of exploitation. The group was banned in 1986.

163. Sethi, "Redefinitions" in Uncertain Alternatives, op.cit., p.94.

164. Kothari finds this "reminiscent of the freedom struggle in which liberation and swaraiya were sought not just from an external power but from the 'enemy within' as well". See "The Grassroots Phenomenon" in Politics and the People, op.cit., p.403.
165. The new change agents and grass-root voluntary organisations view rural development as essentially a struggle for establishing the economic and political rights of the poorest among the poor They demand direct intervention of the State - specially the judiciary and the 'fourth estate' - to protect the rights of the poor and ameliorate their situation and at the same time organise the people themselves for struggle. D.L. Sheth, "Grass Roots Initiatives" in Economic and Political Weekly, op.cit., p.261.

Says Kothari, "Non-party political organisations need not necessarily be apolitical : an organisation may be politically oriented and yet not work as a party", See "Voluntary Organisations in a Plural Society" in Politics and the People, op.cit., p.424.
166. Upendra Baxi, op.cit., p.49.
167. Ibid., p.40.
168. Kothari, "The Grassroots Phenomena", Politics and the People, op.cit., p.403.
169. Kothari has pointed out that these groups believe in "redefining not just the meaning of politics but also concepts like revolution and transformation", "The Grassroots Phenomena" in Politics and the People, op.cit., p.40.; Kothari's contention must be reiterated that the appearance of these non-party political formations itself was related to the decline of political parties as upholders and mediators of the interests of the poorest. See, "Voluntary Organisations in a Plural Society", in Politics and the People, op.cit.
170. Kothari calls them as being in an 'embryonic' stage, "Peoples Action : A Conceptual Analysis", Politics and the People, op.cit., p.397.
171. Upendra Baxi, op.cit., p.40.
172. D.L. Sheth, "Grass-roots Initiatives in India", Economic and Political Weekly, op.cit., p.261.

Says Sheth "Such a conception of politics can be best described as societics-political activity of individuals and organisations addressed to transformation of consciousness and organisational forms, especially of the non-state organisations in society which only ultimately may lead to the transformation of the state itself". See "Alternative Development as Political Practice" in Alternatives, op.cit., p.168.

173. Harsh Sethi, "The Undesired Aliens", Seminar, op.cit., p.30.

It may be relevant to quote Kothari's view of the holistic view of the new voluntary organisations: "... there is the redefining of the area known as public opinion and knowledge and information.... It is thinking of knowledge beyond specialised knowledge, knowledge as social knowledge, knowledge as something that integrates and not divides, knowledge to think of society itself and its problems a holistic way". See his "The Phenomenon of Two Indias, State Against Democracy", op.cit., p.229.

174. Kothari, "The Non-Party Political Process", in Uncertain Alternatives op.cit., p.30
175. Harsh Sethi, "Redefinitions : Groups in a New Politics of Transformation", op.cit., pp.95-96.
176. George Joseph and John Desrochers, op.cit., p.44.

CHAPTER III

OUTLINING THE PARAMETERS OF STATE CONTROL

Introduction

At the very outset we had attempted to explore the meaning of voluntarism and had examined the nature of voluntary activity in India since independence. We had also traced the change in the nature of voluntarism with the advent of the sixties and seventies and examined the reasons for this change. In the present chapter we will attempt to focus our attention upon three voluntary organisations which concern themselves with the issue of civil liberties and democratic rights - the Citizens for Democracy (CFD), the People's Union for Civil Liberties (PUCL), and the People's Union for Democratic Rights (PUDR) - study their activities and examine the perception of social transformation that they envisage in order to enhance liberty for the citizens.

Of the three voluntary organisations chosen for a closer examination, the Citizens for Democracy is the oldest, having its inception in 1974; the People's Union for Civil Liberties and People's Union for Democratic Rights were at one time part of one organisation - the People's Union for Civil Liberties and Democratic Rights

- which had its inception in 1976 during the period of the Emergency.

In a way the three bodies share a common ancestry. The CFD sprang up under the leadership of Jaya Prakash Narayan. The PUCL and DR too appeared under his patronage during the Emergency, and later bifurcated to become the PUCL and the PUDR in 1980.

Thus the three bodies are creatures of the seventies - the period which had seen a proliferation of voluntary organisations in India, many of which incorporated a critical perception towards the State's policies.

Some groups in this period were the Association for the Protection of Democratic Rights (APDR) which was formed in Calcutta on 25 June 1972, the Andhra Pradesh Civil and Democratic Rights Association which in 1973 had split to form the Andhra Pradesh Civil Liberties Committee (APCLC) and the Organisation for Protection of Democratic Rights (OPDR). Bombay had the Association for the Protection of Democratic Rights (APDR), which had sprung up in 1972. Maharashtra also had the Committee for the Protection of Democratic Rights (CPDR), which was set up in 1977.

In 1982 there was an attempt, after three years of effort, to set up the All India Federation of

Organisation for Democratic Rights (AIFODR), which included struggle oriented civil liberties groups. These included the Association for Democratic Rights (AFDR), Punjab, Gantantrik Adhikar Samrakshana Samiti, Orrissa, Janadhipathya Avakasa Samakshana Samiti, Kerala, Organisation for the Protection of Democratic Rights (OPDR). in Andhra Pradesh, Lokshahi Hagg Sanghatana, Maharashtra, Peoples Union for Civil Liberties and Democratic Rights (PUCL & DR), Rajasthan.¹

The late sixties and early seventies were turbulent years for the Indian polity. The activities in West Bengal and in the Srikakulam district (Andhra Pradesh), of the Communist Part of India² had radicalised Indian politics. The year 1974 saw the birth of Navnirman Movement in Gujarat³ and Jaya Prakash Narayan's Total Revolution Movement in Bihar,⁴ both of which had students at the helm. The Total Revolution had emphasised Jan Shakti (People's Power) and advocated the right to recall people's representatives from the legislatures. In other parts of the country too, the period saw agitations against price rise.

Also certain actions of Mrs Gandhi's regime were seen as authoritarian and undemocratic and as encouraging corruption. The issue of supercession of senior judges while appointing the Chief Justice, and the promotion of the idea of a "committed judiciary"

were interpreted as contributing to an erosion of people's rights in the country.

However, it was the imposition of the Emergency which posed most starkly and clearly the authoritarianism inherent in the regime. The nineteen months of the Emergency saw the denial of civil liberties, several high-handed actions on the part of the executive, and the ruthless crushing of the opposition parties and of critical opinion.⁵

However the emergence and events of the Emergency had their own significance for the civil rights movement which received added impetus and acquired a wider base with the "shellshocked"⁶ middle class intelligentsia now joining the stream of the already existing body of opinion which had, in isolated pockets, been working to uphold the rights of the poor and marginalised sections of society.

According to Smitu Kothari :

The nineteen months of Emergency ... represent a watershed in the post colonial history of democratic India. During that period the civil rights movement developed a wider organisational base and consequently grew more visible.

The middle class intellectuals, when personally effected by the excesses of the Emergency could articulate more clearly and loudly their understanding of the the denial of liberty and prevalence of

repression. Issues of the democratic polity, of general impoverishment, of inadequacies of the post-independence development strategies were now raised with a heightened consciousness. There was now a greater awareness and appreciation of the work being done by small groups among the marginalised sections.⁸

A.R. Desai testifies to a body of thought critical of the State prevailing even before the Emergency.

... the exploited and oppressed sections of the people and their alert activist workers were becoming conscious of this 'Assault on Democratic Rights' even earlier, from the mid-sixties. The failure of the plans and the plan holidays from the mid-sixties, generated considerable disillusionment among the underprivileged, exploited and oppressed sections of the people.⁹

Aswini K. Ray, does not believe that a democratic consciousness already existed in India in the late sixties and early seventies which was responsible for the rise of the democratic rights movement. In fact he states :

The Democratic Rights Movement in India, as an autonomous political movement, emerged fortuitiously during the amoral politics of the Emergency period. Fortuitiously, because the Emergency itself was more causally related to a conjuncture of events and personalities of the period rather than structurally to India's political economy of the mid-seventies.¹⁰

In his opinion the events of the Emergency, the relative ease with which it was imposed and the marginal protests which accompanied its imposition, the compromise of democratic institutions:

exposed the fragility of these institutions on the one hand, and the narrow social base of the democratic consciousness within the country, including among its political and intellectual elite, even after three decades of the operation of political democracy.¹¹

A Bombay based civil liberties group, the Committee for the Protection of Democratic Rights, presents its perspective on the rise of the civil liberties groups thus :

....the first real widespread interest in civil liberties came when the nation was shocked by the inhuman tortures and killings that were perpetrated by the police on revolutionaries in 1970-71. This led to the mushrooming of a number of civil liberties organisations throughout the country. But these were small and confined to a few intellectuals who had, till then, harboured the illusion that such things were only possible in Iran or Brazil but not in the "largest democracy of the world".

Then came the Emergency. Now, not only revolutionaries, but even liberals and all the parliamentary opposition had to face the wrath of the rulers ... The horrors of the Emergency, brought to the entire nation, and specifically its organised and more vocal sections, the extent to which our 'democratically' elected rulers can go.¹²

Talking about the post-independence antecedents of the civil liberties movement, Surendra Mohan says :

After the achievement of Independence, the first protest in the name of civil liberties was systematically organised by the Communist Party and its sympathisers. It may be recalled that they adopted a new policy of confronting the government and were not averse to resort to violent means. ... Preventive Detention laws were being put into effect by the authorities and people were detained without trial for long periods. Civil liberties organisations sprang up to build pressure on government against these actions.

In the early 50's a Civil Liberties Conference was created with the support of various political

elements because by then preventive detention had become the vogue and popular agitations were on the increase. Mr. N.C.Chatterji and Mr. Vaze were the leading lights of this organisation.¹³ But, gradually, it lost its momentum in the 60s.

Surendra Mohan points out too that the suppression of the Naxalites in 1968-69, the rigging of the General Elections in West Bengal in 1972, and the repression of the Railway Workers Strike in 1974 created the need for an organisation concerned with civil liberties which would be independent of political parties.

However the appearance on the Indian scene in the eventies of organisations committed to the cause of civil liberty was not entirely a novel development. In the early nineteen thirties a body called the Civil Liberties Union had been established at Nehru's initiative, which had attempted to conscientise the Indian populace on the issue of the defence of civil liberties against a strong State. It's specific objective was to provide legal aid to the nationalists who were accused of sedition against the colonial authorities. In some of Nehru's writings on the issue of civil liberties, there is a clear and precise enunciation of the civil liberties idea. One statement of Nehru illustrates his understanding of the conception of civil liberties :

The existence of civil liberties is generally considered to be essential for the development of every kind of national activity - political, cultural and economic. With their suppression all these activities suffer. In countries with a

democratic background the greatest value is therefore attached to civil liberty and the people of the most diverse and mutually hostile opinions join together in a common attempt to protect this foundation of all liberty and activity. They consider it their duty to resist even the suppression of any opinion or activity to which they are personally opposed, for once the principle of such suppression is admitted, it can be, and frequently has been, extended to all manner of other activities.¹⁴

However with the advent of independence, the importance of a "watchdog initiative" in the form of the Civil Liberties Union soon declined. Tarkunde analyses the role of the Civil Liberties Union in retrospect :

The Civil Liberties Union did not really become a force in the country at any stage. It has historical importance in that it was thought of at that time. But in the day to day affairs of the country it hardly mattered ... Domestically, a separate presence of the CLU was not felt as it took up the same issues as the national movement.¹⁵

An organisation called Citizens for Democracy had sprung up in April 1974 at Delhi, under the inspiration of Shri Jai Prakash Narayan. It was concerned with the state of declining democratic values in India and upheld issues such as the protection of civil liberties, promotion of electoral reforms and opposition to prise rise and corruption, and the promotion and expansion of freedom of the media and press. Important individuals supporting this initiative included, Shri M.C. Chagla, Shri V.M. Tarkunde, Prof. V.V. John.

The roots of the organisation lay in Jai Prakash Narayan's idea which he shared with Sarvodaya workers in

Bangalore in 1972, of a broad-based organisation formed for the preservation and strengthening of democracy in India. The organisation should consist, he had thought, of all those who cherished democratic values but were not interested in party politics.

The Citizens for Democracy was a non party organisation. It was not a political party, or even a supporter of a political party. It was set up :

for the purpose of strengthening democracy in the country ... Its main aim was to defend civil liberties and ensure the independence of the judiciary and the freedom of the press and other mass media like the Radio and Television.¹⁶

The People's Union for Civil Liberties and Democratic Rights was formed in October 1976. It had some association with the Citizens for Democracy in as much as it too sprang up under the direction and patronage of Jai Prakash Narayan. It sprang up during the Emergency in order to overcome the limitations under which the Citizens for Democracy operated, i.e. "that no member of a political party could become an office bearer of any branch of the CFD".¹⁷ To facilitate the participation of political party members a different organisation was required. Thus sprang up the People's Union for Civil Liberties and Democratic Rights (PUCL & DR). It was envisaged as a movement all over the country.¹⁸

The creation of the organisation during the restrictive Emergency period was only possible at this time due to the partial lifting of the ban imposed on meetings to enable discussions on the Forty Fourth Constitution Amendment Bill. Jai Prakash Narayan nominated a coordination committee consisting of seventy members and authorised it to form similar coordination committees at the State and local levels. In October 1976, the People's Union for Civil Liberties and Democratic Rights was formally inaugurated.

However in March 1977 the Emergency was withdrawn, and PUCL and DR tended to fall into a decline. Many of the leading lights of this organisation were part of the new Janata Government, or were closely identified with the Janata Party, and when in power tended to lose interest in the civil liberties body.

The removal of many of the restrictions imposed during the Emergency period created a feeling that the Janata Government was liberal in nature. Several investigation commissions on Emergency excesses had also been announced. There was a general feeling that the new government would be more amenable to dialogue and corrective action.¹⁹ However some actions of the government soon revealed that the democratic credentials of the regime could not be taken for granted. Though they had fought and won their election on the main plank

of restoration of rule of law, and safeguarding civil liberties, yet as, the PUCL and DR remarked :

during their regime the democratic rights ... remained as lyrical an allusion as during the early years of the Congress.²⁰

In fact, the Janata Party attempted to introduce a bill which sought to make preventive detention (with a few liberal features), a permanent part of the legal system by amending the Code of Criminal Procedure.²¹ This revealed the necessity for continued civil liberties awareness and critical perception towards the government. However the return to power of Mrs. Gandhi, in 1979 gave further impetus to the necessity of reviving the democratic and civil liberties consciousness among the people.

It has been pointed out that the PUCL and DR (Delhi Unit) actively functioned in the period of Janata rule because of its members' conviction that such a rule had not in any way altered the entrenched social base of oppression of the country, despite the political change. Hence the PUCL and DR (Delhi Unit) organised a National Convention on the release of political prisoners to remind the Janata Party of its electoral promises. The Convention prepared and submitted a list of political prisoners, and emphasised the need of improving the conditions in prisons. Other concerns of the Delhi Unit in this period were - investigation and reporting of

repression of miners in Dalli - Rajahara, workers in Kanpur, agricultural labourers in Pantnagar, Muslims in Aligarh, tribals in Singhbhum and peasants in Telengana.²²

In the National All-India Convention at Delhi on 22-23 November, 1980, People's Union for Civil Liberties became a membership organisation. At the National Convention too, the Delhi wing of the PUCL and DR broke away from the main body, and formed a new organisation in March 1981. To avoid possible confusion it named itself as People's Union for Democratic Rights (PUDR), with a manifesto and a Constitution that were unanimously approved by the General Body. A.K. Ray explains the rift in these words :

The People's Union of Civil Liberties was revived in November 1980 ... Soon a National Level PUCL came into being, demanding of the existing organisations, like the PUCL and DR (Delhi Unit), to merge their identity with the National PUCL. The PUCL and DR (Delhi)... quite obviously could not accept with equanimity the demands of its liquidation²³

Surendra Mohan of the PUCL comments on this interlude thus :

... the need was felt to revive an organisation like the PUCLDR. A committee was therefore set up to draw up a set of rules for the organisation. ... It was agreed generally that learning from past experience, the role of political parties should not be dominant so that there is no repetition of 1977-79. The name was also shortened into PUCL.²⁴

Though the PUCL and PUDR emerged as two separate bodies, yet they have a harmonious relationship. They have held joint meetings, cooperated on several issues to widen democratic and civil liberties consciousness in the country.²⁵

Rajni Kothari who has served as President, National PUCL stated in 1985, that PUCL and PUDR, though two separate organisations had a broad understanding and cooperated on many issues.²⁶ Aswini K. Ray of the PUDR comments :

Given the present base of the overall movement, this would still leave vast areas of oppression in India, uncovered, and leave enough scope for many new organisations to strengthen the base of democracy in the country.²⁷

It may be of value to outline the aims and objectives and activities of the three organisations we have chosen from the arena of civil liberties i.e., the Citizens for Democracy, the People's Union for Civil Liberties, the People's Union for Democratic Rights.

The three civil liberties organisations concern themselves with the denial of civil liberties, but they are also conscious of the environment, and the denial of democratic rights which large sections of the people in the country are facing because of economic or social reasons. They possess the awareness that malfunctioning, malpractices of established political institutions and degeneration in the social fabric of

the country may also lead to decline of civil and democratic rights. Thus while the broad framework of purpose in its widest sense remains the same for the three organisations we have chosen, nevertheless some division of labour seems to have made itself manifest.

As seen earlier, the Citizens for Democracy arose in 1974 from concerns of mitigating the evils, drawbacks in the democratic fabric of the nation, and also wished to concern itself with civil liberties. However with the setting up of the PUCL, a fraternal body, as a membership organisation in 1980, the CFD demarcated a kind of division of labour. The civil liberties questions were now dealt with by the PUCL, and the CFD concerned itself with issues relating to the democratic order. The PUDR is concerned with issues of both civil liberties and democratic rights. They have tried to meet the problems and issues of the poorest sections of the populace.

In this study we have dealt with CFD in a separate section as it has made a conscious choice to concentrate on issues of democracy rather than civil liberties. The PUCL and the PUDR will be treated together in a separate section as there is an identity of concerns. The CFD differs a little from the other two bodies, in being the oldest among the three and also belonging to the period before the Emergency.

However we must hasten to point out that such a separation of treatment has been made with a purpose or objective of facilitating inquiry rather than to establish any basic differentiation in the task. There can be no separation in the tasks which the CFD, the PUCL and PUDR have allotted themselves and which they perform. The civil liberties and democratic rights are indivisible, a continuum and along with a democratic system form an integrated whole.

But before we begin a detailed examination of the organisation, pattern, the objectives and the tasks and working of the three civil liberties groups, it may be relevant to highlight that the provisions of the Indian Constitution have not ignored the individual, his civil liberties and democratic rights. Very often what the group seek is not beyond what has been constitutionally proposed to be given. It may be relevant to outline the parameters within which these groups present their case.

We have seen that the Indian Constitution, under Part III, which talks of fundamental rights articles 14, 15, 16, 19, 20 and 21, guarantees certain civil liberties. Part IV consisting of the Directive Principles of State Policy outlines some social and economic rights. These in totality may be viewed as the yardstick, a measuring rod against which to examine the rights which are available to the citizens.

However while the rights embodied in Articles 14, 15, 16, 19, 20 and 21 are guaranteed rights, the Directive Principles of State Policy which outline certain social and economic principles are ideals -- principles of governance which the State would like to implement. They do not, like Part III, have the power of the law courts behind them, to ensure their application.²⁸

However, the principles of democracy and welfare which they outline are the aspirational objectives of the Indian polity.²⁹

It may be seen from the Constitutions of the three civil liberties organisations that they envisage protection not only of the civil liberties of the people, but also of democratic rights. The implication is that not only the guaranteed rights of Part III but also the aims of the polity embodied in Part IV will constitute the yardstick by which these groups measure the arena of individual liberty available to the Indian citizen.

According to Hegde and Mukherjee, J.J. :

The Fundamental Rights and the Directive Principles constitute the 'conscience' of our Constitution. The purpose of the Fundamental Rights is to create an egalitarian society, to free all citizens from coercion or restriction by society and to make liberty available for all. The purpose of Directive Principles is to fix certain social and economic goals for immediate attainment by bringing a non-violent social revolution. Through such a social revolution the Constitution seeks to fulfil

the basic needs of the common man and to change the structure of our society. It aims at making the Indian masses free in the positive sense. Without faithfully implementing the Directive Principles, it is not possible to achieve the Welfare State contemplated by the Constitution.³⁰

According to Chandrachud, J. :

Our Constitution aims at bringing about a synthesis between Fundamental Rights and the Directive Principles of State Policy, by giving to the former a pride of place and to the latter a place of permanence, together, not individually, they form the core of the Constitution. Together, not individually, they constitute its true conscience.³¹

Part III guarantees some Fundamental Rights to the Indian citizen. The Right to Equality is protected by Articles 14, 15, 16, 17 and 18. The Right to Freedom covered by Articles 19, 20, 21 and 22. The six clauses of Article 19 describe the kinds of freedoms given to the Indian citizen. Article 20 deals with the rights of a citizen accused of a crime. Article 21 guarantees life and personal liberty which cannot be taken away except according to the procedure laid down by law. Article 22 speaks of the rights of the arrested person, as well as of preventive detention. Articles 23 and 24 grant the Right against Exploitation. The Right to Freedom of Religion is guaranteed by articles 25, 26, 27, 28 and Cultural and Educational Rights by Articles 29 and 30. Article 32 provides the Right to Constitutional Remedies.

An examination of some important Directive Principles of State Policy will help us to appreciate

the aspirations of the Indian State. Some of these are:

Article 38 : State to secure a social order for the promotion of welfare of the people.

(1) The State shall strive to promote the welfare of the people securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of the national life;

(2) The State shall, in particular, strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Article 39 : Certain principles of policy to be followed by the State.

The State shall, in particular, direct its policy towards securing :

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity ...

Articles which outline Directive Principles which relate to economic arrangements of work and conditions of work are :

Article 41 : Right to work, to education and to public assistance in certain cases.

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42 : Provision for just and humane conditions of work and maternity relief.

The State shall make provision for just and humane conditions of work and maternity relief.

Article 43 : Living wage etc. for workers.

The State shall endeavour to secure, by suitable legislation or economic organisation or in any other

way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities ...

Article 43(A) : Participation of workers in management of industries.

The State shall take steps, by suitable legislation ... to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.

Article 48 : Organisation of Agriculture and Animal Husbandry.

The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

Directive Principles have also spoken of free legal aid to the poor,³² of organising village panchayats as units of self governance,³³ of a uniform civil code for citizens throughout the territory of India,³⁴ of free compulsory education for the children till the age of fourteen,³⁵ of promotion of the educational and economic interests of scheduled castes, scheduled tribes and other weaker sections,³⁶ of raising the levels of nutrition and public health,³⁷ of protection and

improvement of environment and safeguarding of forests and wild-life,³⁸ of protection of monuments and places and objects of national importance,³⁹ of separation of the executive from the judiciary,⁴⁰ and of promotion of international peace and security.⁴¹

Seen all together, the social welfare ideas embodied in the Directive Principles in Part IV outline the positive interventionist role that the Indian State had perceived for itself in 1950.

Part III and Part IV comprise the standard against which to evaluate the liberties and rights obtainable by the Indian citizen.

Rights also flow to the citizen from statutes such as the Penal Code and the Criminal Procedure Code.

Moreover India has since 1979¹ ratified the two Covenants of the United Nations Declaration of Human Rights made in December 10, 1948. These are the Covenants on the Civil and Political Rights and the Covenant on the Economic, Social and Cultural Rights by which the State declares its commitment towards those rights which are embodied in them.

Part III and Part IV of the Constitution constitute the yardstick against which the civil liberties groups measure the "shortfalls" of civil liberties and democratic rights of the Indian citizen. However they

do not hesitate to make a critique of the yardstick itself, and the preventive detention clause in Article 22 has come in for sharp criticism as it affords an avenue for restrictive legislation to be made by the executive and consequently leads to reduction of civil liberties. Similarly the provision for declaration of Emergency too permits a reduction of the liberties and rights of the citizen within the framework of the Constitution. Civil liberty groups see these two constitutional provisions as an intrinsic weakness of the Indian State and have criticised these clauses in some of their reports.

Part II

Citizens for Democracy

The Citizens for Democracy (CFD) came into existence in 1974 with the express objective of working to preserve, defend and strengthen democracy.⁴² It also aims to work for elimination of corruption in public life, bring electoral reform, work for protection of civil liberties. It's purpose is to strengthen the democratic fibre of the country. People's participation in the affairs of the state and political education of the people on issues of current importance is on its agenda. It is opposed to price-rise. It advocates working for a common Civil Code and emphasizes the

importance of a free and fearless press and aims at educating public opinion and building a society which is free of the pernicious influences of caste and untouchability.

The CFD aspires to work "for the attainment of the higher ideal of a comprehensive political, economic and social democracy".⁴³ Founded under the leadership of Jaya Prakash Narayan, the Citizens for Democracy was inspired by the idea of Total Revolution which gives importance to the involvement, participation and responsibility of the grass-root level organisations to generate people's power. The CFD feels that through Total Revolution alone a comprehensive political, economic and social democracy can be realised by the Indian people.⁴⁴

In its long life-span of about nineteen years the Citizens for Democracy has been an active and motivated body. The variety of issues that it has taken up reveals the comprehensive interpretation it has made of its stated objectives. Thus issues ranging from electoral reform, civil liberties, issues of international affairs, education reform, rights of foreigners, decentralisation of state power, environment, communalism all are included the broad horizon of its understanding.

The methodology of treating these and the other issues picked up by the Citizens for Democracy, includes discussions upon them, fact finding and reporting on the issues, protest marches, rallies and dharnas to express resentment, concern or build public opinion, and the raising of issues as cases before the judiciary to demand its intervention. The setting up of Citizens groups such as people's committees and voters,⁴⁵ councils are seen as a means of political education as also a way of generation peoples power.

The organisation has generated written material in the form of studies, reports⁴⁶ and memorandums. Its fact finding reports are published.

The CFD works through a National Executive Council and through State, Regional and Local Units. The CFD has its units at Delhi, Madhya Pradesh, Maharashtra, Andhra Pradesh, Bihar, Kerala, Haryana, Karnataka, West Bengal, Jammu and Kashmir, Uttar Pradesh, Orissa, Gujarat, Tamil Nadu and Rajasthan.

In 1979, the CFD began the publication of the Jantantra Samaj - a magazine in hindi, devoted to the cause of civil liberties. The journal served as a valuable medium for proliferation of ideas around civil liberties and democratic rights, as a forum for discussion and debate, and as a linkage with numerous activists spread across the country. Thus it carries

investigative reporting of contemporary political questions, helps in the dissemination of important materials on science, economy and international affairs. It carries too, reports on activities and Conventions of the CFD. There was also a column for citizens grievances in its pages.

However, because of financial and other reasons the journal has had to close down.

It was in the National Seminar organised by the CFD and held on 16-17 October, 1976, at the Constitution Club in New Delhi, that the movement was launched under the name of the Peoples' Union of Civil Liberties and Democratic Rights which would be conducted by a National Coordinating Committee.

The Citizens for Democracy has close relations with the PUCL. In fact, the Peoples' Union for Civil Liberties and Democratic rights was created on 17 October 1976 to overcome the limitations imposed by those clauses of the Citizens for Democracy Constitution which restricts members of political parties being office bearers in the CFD, or the office bearers of political parties even acquiring the membership of the Citizens for Democracy. And again, when in 1980 the Peoples' Union for Civil Liberties became a membership organisation at New Delhi in November 1980, the CFD played an active part in it.

The CFD has sketched an approximate division of responsibility with the PUCL :

The functioning of defending and promoting civil liberties, which was hitherto performed by the CFD, has been taken over by the PUCL, the CFD has been concentrating on its basic task which is to achieve a comprehensive political, economic and social democracy in the country through a process of peaceful Total Revolution.⁴⁷

The CFD has fraternal relations with the People's Union for Civil Liberties and also has a some common membership with it.

Some division of responsibility also appears to have been worked out between the two organisations. Says the brochure of the CFD:

The function of defending and promoting civil liberties, which was hitherto performed by the CFD, has been taken over by the PUCL, the CFD playing a subsidiary role therein. After the formation of the PUCL, the CFD has been concentrating on its basic task which is to achieve a comprehensive political, economic and social democracy in the country ..⁴⁸ through a process of peaceful Total Revolution.

However, as the track record of the CFD reveals this separation of responsibility between protesting civil rights violations and building democracy is not sharply or clearly maintained, and concern with civil liberties does form a part of the CFD agenda even after 1980, i.e., after the inception of PUCL. This will become apparent in the course of the discussion.

Very soon after its inception, in the period of Emergency, the CFD was called upon to play a momentous role in upholding civil liberties and in opposing the harsh conditions of the period.

On 12 October 1975, at Ahmedabad, an All India Civil Liberties Conference was held in which the declaration of the Emergency, detention of political leaders and imposition of press censorship was criticised. A resolution was passed calling the CFD members to organise local committees throughout India to provide legal assistance to political detenus and their families. Advocates who were members or supporters of the CFD, filed Writ Petitions in the High Courts in the country for the release of political prisoners and for improving the conditions of their detention.

Similarly Writ Petitions were also filed against orders of closure of newspapers and periodicals and against the forfeiting of printing presses during the Emergency.

The unlawful imposition of Section 144 of the Criminal Penal Code in Delhi and the prohibitory banning of public meetings was defied by holding public meetings at the Gandhi Peace Foundation. These were held after giving notice for the same to the police.

During the period of the Emergency itself a successful "Save the Constitution" meeting was held in Ahmedabad in 1 January 1976. A Tamil Nadu branch of the CFD was inaugurated in Madras. Several leading lights of the CFD were arrested during this period.

The CFD was active in opposing the undemocratic and restrictive amendments to the Constitution which were embodied in the 44th Constitution Amendment Bill. Taking advantage of Mrs. Gandhi's call for a nation-wide debate on the Amendment Bill suggested by the Committee under the Chairmanship of Shri Swaran Singh, the CFD organised meetings all over the country, pointing to the anti-democratic nature of the changes. The CFD also popularised alternative amendments suggested by a Committee appointed by Jaya Prakash Narayan under the Chairmanship of Shri M.C. Chagla.⁴⁹

Another outstanding achievement of the CFD in its early years was the investigation, by one of its committees into the 'encounter deaths' by the police in Andhra Pradesh.

In 1977, the CFD had taken up the issue of police brutalities. There had been frequent reports from time to time from various states of India such as Andhra Pradesh, West Bengal, Bihar, Orissa and Punjab, that "naxalites" had been killed in "encounters" with police. The CFD President, Jaya Prakash Narayan, set up a

Committee, specifically to investigate into these police - "naxalite" encounters in Andhra Pradesh.

The investigations were eye openers for the public, putting under the glare of publicity the truth of police brutality and high-handedness. An extremely significant story of proved police excesses was exposed by the investigative efforts of this Civil Liberties Committee of the CFD. This Committee, comprising of eminent public figures⁵⁰ was set up under the Chirmanship of Justice Tarkunde by Citizens for Democracy to investigate the nature of the police encounters with naxalites from 1975 to 1977 (through the Emergency), in which the Andhra Police claimed that many Naxalites had died. The Committee of the CFD through investigations and through a study of some cases, published two Reports which established beyond doubt that these were in fact cold blooded murders of arrested activists by the Andhra Police.⁵¹ Upon pressure exerted by the Citizens for Democracy, the Vengal Rao government of Andhra Pradesh appointed the Bhargava Commission to inquire into the findings of the APCRC (Andhra Pradesh Civil Rights Committee) reports. K.G. Kannabiran and M.V. Ramamurty participated in the inquiry on behalf of the CFD. But the Bhargava Commission was ultimately non-productive. After several months of investigations, the A.P. Government made a rule that the Enquiry would henceforth be held in camera. The CFD sub-committee members

protested against this undemocratic procedure and decided to withdraw from the Enquiry. The result was that Mr. Justice Bhargava wound up the Commission work.

The CFD has been very active on the issue of Electoral Reforms. Soon after its inception, its President Jaya Prakash Narayan had appointed a committee to discuss electoral reforms.⁵² Its recommendations were made the basis of the opposition's joint memorandum to the government on which discussions were to be held with the government. These discussions had been proposed by Mrs. Gandhi owing to the public interest generated in the Committee's Report.⁵³

It will be of interest to study the terms of reference of the CFD Committee on Electoral Reforms and the recommendations of the Committee in order to appreciate their understanding of the issue as well as their solution to the perceived problem.

The terms of reference of the Committee were:

- a. To study the present system and law of elections to the Union and State Legislatures with particular reference to:
 1. The use of money power in Indian elections;
 2. The misuse of official authority and machinery;
 3. Other forms of corrupt practices;
 4. The disparity between the popular vote secured and the number of seats obtained under the present system of election;

- 5 Defects in the existing electoral law and administrative machinery;
 6. Delay in the disposal of election petitions; and,
- b. To recommend appropriate measures of reform to secure free and fair elections so as to reflect accurately the popular will.

The recommendations it made in February 1975 touched issues such as the composition and working of the Election Commission, the misuse of Government power and official machinery, control of money power in elections, voting rights and election procedure, quick disposal of election disputes. It recommended a public discussion on the issue of proportional representation for elections to the Lok Sabha and State Legislatures.⁵⁴ Another Committee known as the CFD Committee on Election Expenses was set up on 13 August 1977.⁵⁵ In its report on 19 March 1978, the Committee recommended that a certain essential expenditure of every candidate in the Lok Sabha and State Assembly elections should be defrayed by the Government.⁵⁶

Some other early investigations and studies of the CFD have been noteworthy. The CFD took the initiative of requesting Dr. J.P. Naik, the then Member-Secretary of the Indian Council of Social Science Research to prepare the frame-work for reform in the educational system. The policy made by Dr. J.P. Naik, was published

as a booklet by the CFD under the title "Education for our People".

The CFD has been desirous of having the Radio and the T.V. under non-official control in order to secure the independence of the media.⁵⁷

A significant effort in the field of civil liberties was made by the CFD in the case of protecting the civil liberties of the Dawoodi Bohras from the persecution of the priestly class which acted in the name of their High Priest or Head - the Syedna Saheb.⁵⁸ The Report of the Commission set up by the Citizens for Democracy⁵⁹ highlighted that there is large scale infringement of civil liberties and human rights of reformist Bohras at the hands of the priestly class and that those who fail to obey the orders of the Syedna Saheb and his Amils, and even in purely secular matters are subject to social boycott, mental torture and frequent physical assaults. A number of legislative measures were suggested in order to protect the civil rights of the reformist Bohras.⁶⁰ The issue of reform among the Bohra community has continued to be on the agenda of the CFD and its fraternal body the PUCL.

The CFD was a keen commentator on the role of the Janata Government in the post Emergency period, upon the subsequent fragmentation and fall of the Janata

experiment and upon the options before the people with the close of the Janata interregnum.

Thus in September 1978, after a conference CFD prepared a statement signed by 86 intellectuals in which they called for the revival of the 'spirit of 1977' and the implementation of the Janata Party Manifesto promises. CFD raised the issue of organisational elections within the Janata Party.

It may be relevant to examine in some detail the idea of Total Revolution which the CFD has seen as an important prong of its programme of promoting popular education and grass-roots organisation. The inspiration for this has been Jaya Prakash Narayan. However the Total Revolution idea has also found mention, even earlier than Jaya Prakash, in the writings of M.N. Roy who had spoken of the principle of Radical Humanism.

At the level of ideology, the Total Revolution idea indicates "a Total Revolution in which the democratic and humanist values of liberty, equality, fraternity will be actually realised in all aspects of life".⁶¹ The avenue for this revolution will not be the capture of state power or political power:

but to educate the people in the basic values of democracy, to instil in each individual the spirit of self-reliance, and to increase their organised strength in such a way that power is decentralised and becomes vested in their hands.⁶²

Thus it is people, their representative and their councils and committees which are important. This arrangement would help and create a suitable environment for the successful advent of the Total Revolution. This would bring a sea-change in the social, political and cultural arena, eliminate corruption and usher in a period of moral regeneration.

As early as 24 April 1977, in an All India Conference, the CFD had called for the programme of popular education for building up grass-root organisations to generate people's power as the basis of "Indian democracy".⁶³

The Total Revolution idea is seen by the CFD as a long term programme based on the dissemination among the people, of the democratic values of equality, liberty and fraternity.

The total revolution idea is linked to a cultural change which will eliminate apathy, fatalism and mental slavery.

The revolution has to be attempted from below. The agents for change, the catalysts of the people, will be those individuals who have emancipated themselves from nations of casteism, communalism, fatalism, blind faith and orthodoxy.

The social activists, who are the vanguard of Total Revolution will attempt to set up people's action groups or Peoples Committees. Their objective will be to increase the peoples spirit of self-reliance and propagate humanist democratic values. Apart from constructive activities such as education, health-care, improvement of agriculture, promotion of small-scale industry, these groups will attempt to eliminate social evils like casteism, communalism, sex-discrimination, dowry system, faith in godmen etc. These groups will also encourage the exploited sections to fight for their just economic demands such as equitable distribution of agricultural and urban land, minimum wages for agricultural labour, release of bonded labour, implementation of labour legislation, improvement of conditions of work of the urban and rural workers and the right of the adivasis to land and forest produce.⁶⁴

The Peoples Committees will thus be the instruments for generating peoples power and also develop into repositories of that power.⁶⁵

The Total Revolution idea also carries within it the idea of a radical decentralisation of power and responsibility from the centre to the states, from the states to the District Panchayats, Block Panchayats and Gram Sabhas. Such power as will remain at the level of the Centre, the States, the districts, the blocks and the villages/towns will eventually be under the control of people's candidates. Thus effective political power

is with the people, and the democracy is a genuine one, organised from below.

In the economic sphere, there will be a decentralisation of planning and implementation, and the Panchayat, Block and District levels will play the key roles.

Emphasis will be on employment generation, and therefore, on labour intensive projects related to agriculture, road and school construction. Cooperatives will be the most acceptable pattern in production, distribution and exchange. Large-scale basic industry will be in the hands of suitable autonomous corporations.⁶⁶ The entire economy, run on cooperative lines, will eliminate exploitation.

In 1981 the CFD, supported by the PUCL, began a programme of periodic conferences of the activists who are actively involved in work with the poor and the exploited, in order to popularise and clarify the idea of the total revolution. The conference was aimed to discuss their work and their problems.⁶⁷

However, on the practical side too the CFD has been keen to activate the process by which Total Revolution will become a reality since its very inception.

The idea of the voters councils has been raised on much of the writings and discussions of the Janatantra

Samaj. These have been seen as evidence of a mature democracy.

The voters' councils have been envisaged in all villages and towns mohallas. Their composition will be of impartial and emancipated individuals who are not members of any political party. Voters' Council of a constituency can help the people of that constituency to choose people's candidate assisting their elections and subsequently controlling their political actions in order to ensure salutary legislation, such as legislation for prevention of defections, legislation for setting up of Lok Ayukts, legislation for land ceiling or for electoral reform. The Voters' Councils can ensure accountability and exercise the right to recall which is a basic idea of the Total Revolution.⁶⁸

It is imagined that in course of time, the Peoples Committees may begin to work as Voters' Council.⁶⁹ However, the expectation that the people's candidate will emanate from an aware Voters' Council has not been fulfilled yet.

However, while the notion of Voters' Council has not taken roots, the CFD has been actively participating in overseeing and observing elections in sensitive constituencies in order to ensure fairness of polling. It has been part of many "independent initiative" teams.

As early as 1981, the CFD published a report of a Fact-Finding Committee on the Garhwal By-Election.⁷⁰

While today there has not emerged fully, a network of peoples committees as envisaged, nor yet a structure of district regional and provincial committees, however there certainly is apparent at the grass-root level a growing consciousness, a greater awareness. This has been made possible by various committed workers and organisations working for enhancing democracy.

In October 1986 at Bodh Gaya, the Sampoorna Kranti Manch was set up. This was to be a federating group of about 50-60 non-party organisations.⁷¹ committed to the idea of Total Revolution of Jaya Prakash Narayan, "to give a national thrust to the ground level responses of a variety of groups to the increasing marginalisation of the population".⁷²

A smaller forum of this kind had been established by some groups working in Bihar in 1984⁷³ in order "to overcome the sense of isolation and fragmentation" and also to "revive the spirit of 1974".

The draft resolution passed in the meeting at Bodh Gaya in October 1986 which set up the National Total Revolution Front declared that they rejected "the violent insurrection of one section of left" and "recognised the failure of India's peaceful revolution through the ballot box".⁷⁴

However the Sampoorna Kranti Manch or the Total Revolution Front could be sustained only till 1922 when in April it was formally withdrawn with the understanding that since the CFD was already actively working in the same area, the duplication could be avoided. However contradictions had appeared earlier in 1989 when some of the main activists were of the opinion that the Sampoorna Kranti Manch should convert itself into a political party. In fact, some of its members joined the Jan Morcha of V.P. Singh. However, another group had felt that the non-party nature of the formation should be retained.

On the side of structural change, the CFD, in its deliberations, has called for a rethinking on the prevailing patterns of federalism which has been conducive to centralisation. They would like limited powers to accrue to the centre, i.e., defence, foreign affairs, higher justice, finance, post and telegraph and communication. They are for the strengthening of panchayat bodies, the cooperative movement and for decentralisation of political powers and economic planning.

They have advocated the withdrawal of the Defamation Bill, and spoken in favour of the Radio and T.V. to be regulated by an autonomous institution.

They have deliberated on the falling standards of legal justice and offered constructive solutions.⁷⁵

However, elections and electoral reforms, setting up of voters' council and independent judiciary are only a small though important part of CFD's comprehensive view of democracy. The lodestar of "comprehensive social, economic and political democracy" which directs the CFD, implicitly demands a cultural revolution, a renaissance which frees people from the strangle-hold of communalism, casteism, superstition and belief in divine intervention. Thus the cobwebs of feudalism have to be pushed aside. Several editorials⁷⁶ of the Jantantra Samaj have been devoted to the issue. We may quote an extract:

..... in our country, democracy has been perceived as handing over the task of solving one's problem to a handful of people. One gives them one's vote and the responsibility of the job. They become objects of worship, respect and reverence. The result is that between the elected representatives and the voters exists the traditional relationship of the king and his subject.⁷⁷

In the Jantantra Samaj from time to time there have been articles written by the Lok Nayak, which act as inspirational pieces as well as help to unravel many of his relevant ideas.

Corruption and its relationship to elections and party politics has been a recurring concern for the CFD. Thus an All India Conference was called in Bangalore on 9-10 October 1982 to discuss this problem. This All

India Anti-Corruption Conference was held by the CFD in association with a number of like-minded organisations such as the PUCL, Sarva Seva Sangh, Vigil India Movement Hindustan Andolan, National People's Committee and Lok Sewak Sangh. The Conference recognised that the Central and State Governments were the focal point of corruption, and that the Voters' Council Movement in the country should impress upon the electorate the necessity of electing persons of integrity to the legislatures to ensure corruption free governments as far as possible.⁷⁸

The CFD has closely involved itself with the issue of Communalism. It perceives it as a hindrance in a developing citizens' values. A report of the CFD Conference states:

CFD provides a forum to all such people who rise above caste and creeds and try to strengthen democratic values in the country.⁷⁹

It was closely involved in examining the communal violence that followed Mrs. Gandhi's assassination, and came up with a report entitled the "Truth about Delhi Violence"

In the wake of the demolition at Ayodhya the CFD held a public meeting on 15 December 1992 on the issue of Religion and Politics. Says the report:

There was general agreement among the participants about the urgent need to delink Religion and Politics.⁸⁰

In the CFD journal, Jantantra Samaj, from time to time articles have raised the issue of the essential meaning of development. The predominant point of view perceives development as an increase in GNP, and emphasises production over distribution. The CFD view on development, represented in an article⁸¹ is a comprehensive one emphasising an improvement in the social and political aspects of life as well. Thus true development would comprehend, on the political front, electoral reforms, setting up of Voters' Councils, appointment of the Lokpal, an anti-defection law and a code of ethics both for political parties and legislators. On the economic front, the notion of development would include land reforms, end of benami pattas, irrigation facilities and improved agricultural techniques for farmers. It would also include the right to work. On the social front, developmental priorities would include strict laws against social crimes, effective legislation against dowry, elimination of casteism, taxation of the property of religious trusts.

In the economic arena, CFD has been actively working towards giving "right to work" the position of a fundamental right in the Indian Constitution. An All India two day Conference was held on this issue in which ninety organisations were represented.⁸²

The CFD holds that it is the constitutional duty of the State to provide work and gainful employment to all the citizens⁸³ and that governments and political parties have neglected this important task.

This right, the CFD feels, could be incorporated into the Constitution by means of a constitutional amendment.

Issues of nuclear energy (Kaiga Atomic Plant),⁸⁴ of environmental pollution, of protest against eucalyptus monoculture have been raised at their meetings.⁸⁵

Issues of bonded labour, shelter,⁸⁶ conditions in slums and Jhuggi-jhoparis⁸⁷ have been discussed in the columns of the Jantantra Samaj. In the various issues of the journal there is a mosaic picture of incidents of denial and violation of civil liberties and democratic rights. Reports from all over the country are reported. It may be relevant to quote a few of the hundreds of such reports -- "Incident of Police Violence in Bihar Sharif - 26 March 1988" : Report of the Bihar PUCL⁸⁸; "A report on Balliapal", Orissa,⁸⁹ "Mithai kand" Rani-khet,⁹⁰ "Neetra Heeno Par Lathicharge"⁹¹ "Repression of students of the Sadak Polytechnic, Keelakari District, Ramnathpuram".⁹²

They have been concerned with the issue of peace. Thus they have questioned high budgetary expenses on

arms. In April-May 1990, CFD, along with other organisations participated in a peace procession to counter-act and reduce a war hysteria, and appealed to leaders of India and Pakistan to avert a war.

The CFD had registered its protest against Soviet intervention in Afghanistan in 1979. CFD has also reacted to civil liberties denial across the borders and has been concerned with the civil liberties issues of people other than Indian citizens. In early years the CFD had in the context of the arrest of Iranian students protesting against the Shah of Iran, organised a discussion on the issue of "Civil Liberties and Democratic Rights of Foreign citizens in India".

They had also protested against the exile of the nobel Laureate Andre Sakharov from the erstwhile Soviet Union.

The Patna unit of the CFD is actively involved with the spread of the Total Revolution Front idea.

The Karnataka unit of the CFD involves itself with, among other issues, the environment issues around Karnataka. They have been active against the granting of land for eucalyptus culture to the Karnataka Pulpwood Limited - a Birla, Karnataka Government, joint venture. The CFD, along with other groups⁹³ has supported the peasants' and villagers' protest (in the districts of Shimoga, Dharwad, Belgaum, Chikmanglur, Hosan and North

Kannar), against this deprivation of land traditionally used for grazing, fuelwood etc. The Karnataka branch of the CFD was also active in protesting against the Kaiga Nuclear Plant.

In their efforts at political education, the CFD also brought out in its journal an unusual "Manifesto of the Voter". This was an outline of the expectations of a voter from an elected government in a democratic polity. Thus the voter was portrayed as upholding an anti-communal, anti-caste system which believed in peace, non-violence, service, self-discipline, people's power and decentralisation and in a politics which was linked with ethical values.⁹⁴

This concern of emphasising the people's expectations of the elected government is apparent in the twelve point Charter of Demand which the CFD had presented to the political parties on the eve of the 1989 elections. The Sampoorna Kranti Manch had joined the CFD in this. The idea was to vote only for those political parties who had incorporated these demands into their party manifestoes. A newly elected government, it was stated, must implement these within a period of eighteen months of assumption of office.⁹⁵

The CFD set up a commission to study reforms in the educational system. With the advent of elections in 1979, the CFD had used its journal to educate voters on

their rights, duties and responsibilities as voters. A nineteen item questionnaire was suggested upon which voter could examine the credentials and bona-fides of a vote-seeking candidate. These questions were diverse and served to discover not only the candidate's past record, expenditure for elections, future plans for the constituency, but also his view points on issues such as emergency, defection, nepotism, casteism, communalism.⁹⁶

In 1980, a meeting had been organised in which the then Chief Election Commissioner was invited to speak on "Electoral Reforms for India" This address and discussion on reform was organised soon after the polls, based on the understanding that :

Despite a wide measure of agreement on the subject, the question of electoral reforms generally seems to come up only on the eve of a general election which the stock answer is that it is too late and that such ideas had better be postponed until "next time."

Let us turn our attention to the Charter of Demands made by CFD and the Sampoorna Kranti Manch. An examination and analysis of these demands highlight that they touch on the issue of civil liberties and the issue of the social, economic and political democracy which is the avowed objective of the CFD. Thus the concern for civil liberties is manifest in the demand for the repeal of the 59 Amendment⁹⁸ and withdrawal of the Black laws such as the Terrorist Affected Areas (Special Courts)

Act, the Terrorist and Disruptive Activities (Prevention) Act and preventive detention laws - except where active insurgency has come to prevail.⁹⁹

Their desire for an improvement in democracy is apparent when they ask for amendment of the Constitution 19(1)(a), to incorporate the right to information and freedom of the press.¹⁰⁰

They called for the provision for adequate representation of women in legislatures, expressing their concern for social equality¹⁰¹ Another demand is for the economic betterment of the deprived sections. It calls for "a massive programme of house construction ...for ... the deprived sections"¹⁰² Demand 11 called for making the right to work a fundamental right¹⁰³

Two demands concerned themselves with the issue of decentralisation. Demand 12 calls 'for decentralising power from the Centre to the States and further to Gram Panchayats, Mandal Samities, Zila Parishads and Municipalities. While demand 13 called for framing and implementation of plans at the level of Zila Parishads, Mandal samities and Gram Panchayats.

To prevent interference of executive into judicial affairs they called for the setting up of a high-power judicial committee to look into matters of appointment of the Chief Justice and Judges of the Supreme Court and into matters of transfer of High Court judges.¹⁰⁴

Similarly to prevent executive and political interference they called for the Radio and the Television to be put under control of autonomous bodies.¹⁰⁵ Appointment of directors to these would be made by a Committee comprising of the Chief Justice and leader of the Opposition and the Minister of Information and Broadcasting.

Concern about corruption in the country was apparent in the demand for the setting up of the Lok Pal and Lok Ayukts at the Centre and States, respectively.¹⁰⁶ and calling for electoral reforms which would put a ceiling on election expenditure and¹⁰⁷ auditing of funds of the political parties.¹⁰⁸ Modifying privileges of the Parliament and State Legislatures so that they would be subject to fundamental rights, was another demand.¹⁰⁹

While the democratic rights and democratic environment as an important CFD concern, nevertheless, issues of civil liberties have been taken up. The Jantantra Samaj also carries in its columns, reports of other groups reporting on civil liberties denial - e.g., Police firing at Rallies India Magarwaragaon on January 1982.¹¹⁰

The issue of civil liberties has been an important concern for the CFD. Issues of civil liberties denials, police firings etc. have been reported from time to time. They had also sent a

special fact finding team to study the Arwal police firing.¹¹¹

The CFD was earlier extremely active in a programme on Jail Reform and the CFD Jail Reforms Committee was also appointed the non-governmental inspectors of the Tihar jail by the Delhi Administration.¹¹²

In the years after Emergency, the CFD had organised Sangharsh Samities of those displaced during the Emergency. They have actively opposed the 59th Amendment of the Constitution, starting a vigorous campaign against it and setting up an Emergency Virodhi Manch to educate people on the implications of the Amendment.¹¹³

The CFD has reported upon the anti-Sikh riots in Bidar in 1988.¹¹⁴ The condition in Punjab has been an important concern of the CFD. The CFD had reported on the anti-Sikh violence in Delhi in October-November 1984. The report was entitled "The Truth About Delhi Violence". Members had also courted arrest on the issue of the release of the Punjab prisoners at the Boat Club in November 1987.¹¹⁵ In September 1985 the CFD had published a book on Punjab entitled "Report to the Nation : Operation in Punjab". This came in the wake of the army action during Blue Star operation in Punjab. They spoke of police atrocities and state terrorism having counter productive results and leading to the

growth of terrorism. This report had been banned by the Government.¹¹⁶

A subsequent report on Punjab of March 1989 has been authored by a four member team¹¹⁷ entitled "Violence in Punjab". They had toured Amritsar, Gurdaspur and Batala and reported that Punjab was sandwiched between police and terrorist violence, and that the alienation in Punjab could partially be traced to the non-action against the culprits of the 1984 killings. They reported too that communal unity continued to prevail in the region and that there was no support for terrorism and called for elections.

The CFD has been part of a group which has brought out a report on Kashmir in 1990.¹¹⁸ It is also a part of a forum called the "Coordination Committee on Kashmir" which was set up in September 1990. This group monitors and reports on human rights violations in Kashmir and desires to promote dialogue between the people of Jammu and Kashmir and the Government of India.¹¹⁹

Another report on Kashmir, after a five-day visit to the Valley between 20-25 May 1992, was brought out by the Coordination Committee on Kashmir.¹²⁰

This reportage on police atrocities and paramilitary excesses in Punjab and Kashmir has drawn the

CFD (along with other civil liberties groups), into a strained relationship with the State. Protesting along with other groups against a reported mass rape by armed forces in February 1991 in a border lying area of Kashmir,¹²¹ and the subsequent appointment, in June 1991, of a Press Council of India investigation group which gave the army a clean chit¹²² has created a piquant situation¹²³. While on the one hand it has embarrassed the civil liberties groups, it has given ground to the State to express sharper criticism of these groups for biased and irresponsible reporting.

However, the raison d'etre of civil liberties groups is the critical and 'gad fly' role they play within the State.

From the discussion above it is apparent that the CFD is an active group - vocal not only on civil liberties issues but also consistently striving towards the outlined task of working "to preserve, defend and strengthen democracy in the country" and for "the attainment of the higher ideal of a comprehensive political economic and social democracy".

Part III

People's Union for Civil Liberties People's Union for Democratic Rights

Earlier in this chapter we had briefly discussed the origin, and the context of the origin of the two civil liberties bodies - the People's Union for Civil Liberties and People's Union for Democratic Rights. We will now turn our attention to the pattern of their organisation and their Constitutions in order to discover their objectives and priorities. Their writings and activities will be closely examined to discuss the notion of social change that they envisage.

The Aims and Objectives which the People's Union for Civil Liberties has outlined in its Constitution are:

- a. To uphold and promote by peaceful means, civil liberties and the democratic way of life throughout India;
- b. To secure recognition to the principal [sic] of dignity of the individual;
- c. To undertake a constant review of penal laws and criminal procedure with a view to bringing them in harmony with humane and liberal principles;
- d. To work for the withdrawal and repeal of all repressive laws including preventive detention;
- e. To encourage freedom of thought and defend the right of public dissent;

- f. To ensure freedom of the press and independence of mass media like radio and television;
- g. To secure the rule of law and independence of the judiciary;
- h. To make legal aid available for the poor;
- i. To make legal assistance available for the defence of civil liberties;
- j. To work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities;
- k. To bring about prison reform;
- l. To expose police excesses and use of the third degree method;
- m. To oppose discrimination on the grounds of religion, race, caste, sex or place of birth;
- n. To combat social evils which encroach on civil liberties such as untouchability, casteism, and communalism;
- o. To defend in particular the civil liberties of the weaker sections of society and women and children; and,
- p. To do all acts and things that may be necessary, helpful, or incidental to the above aims and objects.¹²⁴

The PUCL has made attempts to have branches in every State. The Constitution speaks about the method of their formation and organisation and their financial links with the National PUCL.

The PUCL Constitution also permits groups and institutions to acquire its membership. It may be pertinent to point out that some membership of the PUCL and the Citizens for Democracy is common.

Members of Political Parties can be members of the PUCL in their individual capacity with some restrictions on their numerical strength. In fact, the very emergence of the PUCL and DR in October 1976 was to overcome the inability of members of political parties to acquire membership of the Citizens for Democracy.

The Constitution of the PUCL provides that no single party would have more than 10 per cent membership in the National or in the Executive Committee (and in the corresponding bodies at the State and local levels). The total number of political party representatives in these bodies should also not exceed 50 per cent. No party member can hold office, i.e., become President, Vice President, General Secretary, Treasurer of the PUCL or of any of its branches.

The PUCL has been bringing out a journal PUCL Bulletin since May 1981, which serves as the journal and mouthpiece of the civil liberties movement.

Peoples Union for Democratic Rights (PUDR) traces its origin to the Delhi Unit of the People's Union for Civil Liberties and Democratic Rights (PUCL & DR), set up in January 1977. We have, earlier traced the process by which in November 1980, this group set up its identity as PUDR independent from the PUCL and DR.

This body does not aspire to a wide and vast organisational frame-work. It is primarily a Delhi-

based organisation. Its Constitution specifically states that it has no foreign funding, but draws support from donations, membership fees and from sale of literature. It does not permit organisational membership.

PUDR is conscious of the threat to civil liberties which emanate from the State in the form of draconian legislation which undercuts rights. Its Constitution states:

The need for the existence and strengthening of the organisation arises from the fact that there is no effective mechanism to defend the people when the state or its agencies violate the law.¹²⁵

However, it is conscious that attack on the rights of the people can come from sources other than the state too. The reason for denial of rights can be "the social and structural roots of repression in the context of the iniquitous social order that prevails in the country"¹²⁶. The PUDR sees as its "distinctive" approach, "a concern for the rights and liberties of the masses in the context of their socio-economic needs and political aspirations....."¹²⁷.

An activist of PUDR, Aswini K Ray highlights the priorities of PUDR as an emphasis on the "social context of democratic rights, as apart from merely their constitutional significance."¹²⁸

The "Aims and Objectives" outlined for itself by the organisation cover the implementation of Fundamental Rights guaranteed by the Constitution, enforcement of Directive Principles of State Policy, building up public opinion towards the ratification and enforcement by the Indian Government, of the several United Nations documents and Covenants relating to Human Rights. The objectives also include "to defend and help democratic struggles against caste, class, community, ethnicity, religion and gender-based oppression."

The particular tasks, the PUDR outlines for itself are:

1. to work towards the repeal of all extraordinary and draconian legislations that violate the ethos of the Constitution and to defend victims of such legislations irrespective of their political religious and social faith.
2. to take up the assault on people by ruling powers including vested interests, communal and casteist forces and such other anti-people forces.
3. to protect the right to free expression and dissent.
4. to make the right to work, right to shelter, right to education, right to employment, right to living wage and right to live with dignity as part of the fundamental rights.
5. to build public opinion on these issues through investigation, courts, legislatures, media and such other legal democratic channels, help victims of these violations through these channels.

The main source of examining the PUDR perceptions towards rights, civil liberties, the role of the state, and the social-structural interdependencies within the

parameters of the state, are the periodical reports of the organisation.

However for PUCL, the periodic reports on denial of rights and liberties are further highlighted by the PUCL Bulletin which carries in its columns relevant reports, investigative articles, analytical articles, relevant court judgements, analysis of law and its implications for rights.

The PUCL Bulletin, apart from being a forum for discussion on civil liberties and related issues, also serves as a means of linking with PUCL units across the country. The latter regularly send their reports for publication. Discussions and resolutions of the National Convention are also published in the Bulletin. Civil liberty groupss scattered throughout the country, from time to time, submit their reports for wider dissemination. Thus the statements and reports of the APCLC (Andhra Pradesh), the Naga Students Federation and the Naga People's Movement for Human Rights, the Democratic Womens Forum, etc., have also been published. Reports are carried of people's protests as of civil liberties denial. In this way the PUCL Bulletin can be termed the voice of the civil liberties moement.

Further, the PUCL holds an annual lecture series in which eminent peoples with a civil libertarian bias are invited to speak. Each year it also gives an award of

Rs.20,000 for writings on Human Rights issues to committed and outstanding journalists.

The PUDR has from time to time been holding Conventions on issues relating to civil liberties and rights. Papers are presented and discussed. Some of the important issues which have formed the subject of these Conventions have been Science, Culture and Democratic Rights, Legal System, Judiciary and Democratic Rights, Mines, Mechanisation and People, Mass Organisations and Democracy, Development and Democratic Rights.

Both the organisations have kept away from foreign funds or even government funding in order to ensure their independence and eliminate any pressure.¹³⁰

In their task of highlighting any onslaught on civil liberties, and in course of working towards their objective of protecting the civil liberties of the citizen, civil liberties organisations are extremely conscious that restrictive legislations that are being made by the State from time to time should not diminish the area or space permitted to the citizen within the State. While restriction of the orbit of civil liberties is constitutionally permissible under the Emergency Provisions of the Constitution, as well as under the "preventive detention" clauses of the Constitution, the groups have focussed upon and monitored the restrictions under such special

provisions. The role of the law enforcing agencies has also come in for criticism in the reports and discussions of the civil liberties groups.

It will be useful to first explore the nature of the criticism by these groups of preventive detention. This has been perceived as a restriction on citizens liberties. It has been seen as a non-liberal strain within the liberal Part III of the Indian Constitution.

Article 22 of Part III refers to "Protection against arrest and detention in certain cases" and discusses Preventive Detention. Preventive Detention finds mention both in the Union and the Concurrent List as items 9 and 3 respectively. In the Union List or List I, item 9 speaks of Preventive Detention for reasons connected with Defence, Foreign Affairs, or the Security of India. List III, or the Concurrent List, speaks of preventive detention for reasons concerned with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community. Preventive Detention is different from detention under normal laws, i.e., the Indian Penal Code (IPC) and the Criminal Penal Code (Cr.P.C.). Under the IPC and the Cr.P.C. people are arrested for having committed acts violative of law. Under preventive detention, however, persons are arrested on suspicion or probability of their violating law, i.e., in a preventive way. When an individual is

arrested under preventive detention article 22(1) and article 22(2) which form the vital component of individual liberty do not apply. According to article 22(1) no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult and to be defended by a legal practitioner of his choice; and according to article 22(2) every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of such arrest. Article 22(4) further states that : No law providing for preventive detention shall authorise the detention of a person for a period longer than three months, but that this period can even be extended on the opinion of an Advisory Board, or if the provision of a law made by Parliament call for it.

The denial of articles 22(1) and 22(2) in case of arrest under Preventive Detention and the avenues of executive discretion which the preventive detention clause opens up, are looked upon with extreme suspicion by the civil liberty groups.

Civil liberty groups have pointed out that this article has been the basis of restrictive legislation on the part of the State.¹³¹ So that India has had Preventive Detention Laws continuously since 1950

onwards, save for the short period between 1969 to 1971, when Mrs. Gandhi did not have the requisite majority in the Parliament to pass such an Act. Even the Janata Party which came to power on the tide of a strong critique of the violation of civil liberties during the Emergency had also attempted to press for such legislation.

In an article entitled "Indian Constitution and Civil Liberties" Mukhoty has documented that in December 1977 Charan Singh had attempted to move an amendment which would incorporate Preventive Detention into the Criminal Procedure Code and thus made it a part of the "ordinary" law of the land. Subsequently he had to withdraw it because of protest.

On 11 November 1978, Morarji Desai had advised Chief Ministers to enact Preventive Detention Laws in their States as they were essential for the maintenance of law and order. Even as Caretaker Prime Minister, Morarji Desai had passed a Preventive Detention Ordinance.¹³²

The Civil Liberties groups have undertaken a close examination of some specific laws and acts, which have been seen as repressive. The objective of the reports is to educate public opinion not only on the law itself but also with regard to the subtle patterns in their usage and application by which they can be used to

delimit citizens freedom. For instance a report of the PUDR discussing some major anti-democratic laws says:

In the name of Punjab the government has amended the National Security Act. This amended version is applicable not only in Punjab but also all over the country. Since it closely follows a number of other laws introduced in Punjab, it has virtually gone unnoticed that this stricter NSA is being applied to the whole country.¹³³

It has further been pointed out:

Time and again such laws have come up with an ostensible purpose and have been used for entirely different purposes. If such a law is meant for smugglers, it is used against trade union leaders; when it is supposed to be against forest contractors it is used against poor tribals, and so on. It is this ostensible purpose that is projected so as to get public support for such laws. For instance the MISA was intended to be used against smugglers and all except one opposition party supported the enactment in the Parliament. Those very opposition leaders who had supported the law were arrested under MISA, during the Emergency.¹³⁴

Another report of the PUDR points out that the National Security Act 1980, provides for preventive detention of any citizen if the government is "satisfied with a view to preventing him from acting in any manner prejudicial to the security of the State or to the maintenance of public order".¹³⁵

In their report "Black Laws 1984-85", the PUCL has commented upon the Terrorist and Disruptionist Activities (Prevention) Act of 1985. Commentaries by V.M. Tarkunde and S. Sahay, Editor, Statesman, have been included along with the text of the Act.¹³⁶ Similarly

the PUDR has commented upon the TADA in two reports "Are you a Terrorist?"¹³⁷ and "Citizen's Guide to Rajiv Gandhi's India".¹³⁸ The Terrorist and Disruptive Activities (Prevention) Act 1985 (subsequently extended to 1987 and then upto 1989 and then upto May 1993), has been critically explored. The main features of the TADA and the specific draconian features have been highlighted.¹³⁹

The "Black Laws 1984-85"¹⁴⁰ also carries a discussion on the Black Laws passed in 1984, i.e. the Ordinance (later law), which served to amend to make more stringent, the already existing the National Security Act. It also includes the text of the Terrorist Affected Areas (Special Courts) Ordinance¹⁴¹ which later became law.

The ordinance¹⁴² made in 1984 (which subsequently became part of the National Security Act) has been discussed in the "Black Laws" Report to highlight how it contributed to the restriction of liberty of the Indian Citizen. It had further tightened the National Security Act by providing that even if a detention order is based on several grounds, it shall be assumed to have been made separately on each ground, so that the order of the detention will be valid even if only one of the several grounds on which it is based is free from any invalidity arising from vagueness, non-existence, irrelevance, staleness or any other reason.¹⁴³

Also the Ordinance made an amendment which said that after the expiry or evocation of a detention order, another detention order could be issued even if no fresh facts have arisen, provided that the total period of the detention does not exceed twelve months.¹⁴⁴

Sumanta Bannerjee comments on the nature of legislation :

It will be noted that each successive preventive detention law - starting from the days of the British regime - while incorporating provisions from the laws that preceded it, attempted to add new provisions that were more rigorous than the earlier ones

The Preventive Detention Act introduced by the Congress Government in 1950 authorized detention and imprisonment for one year without trial of persons suspected of being able to cause damage to the country's defence, public order, etc.

The MISA which succeeded PDA, by an amendment in 1971, increased the period of detention to two years, and did away with the provision of an opinion from an Advisory Board on such detention (as provided by the earlier PDA).

Further amendments to the MISA in 1975 suspended the release of a detenu on bail, permitted the government to refuse the detenu an opportunity of making any representation to the government and provide any reasons for his arrest, and to make the Act non-justiciable.

The NSA went a step further by denying the detenu the right to represent his case through a lawyer before the Advisory Board and keeping the proceedings and report of the Board Confidential (Section 11-4). Section 14 allowed the authorities to make fresh detention orders against the detained persons on the expiry of the detention order. Under Section 16 of NSA, "No suit or other legal proceeding shall lie against the Central Government or a State Government and no suit, prosecution or other legal proceeding shall lie against any person, for anything in good faith done or intended

to be done in pursuance of this Act". Thus any redress under the common law of the land was prohibited under NSA.

But in this onward journey of increasing repression, the Terrorist Affected Areas (Special Courts) Act has outstripped the old colonial and post-independence laws....

The Special Courts, set up under the Act to try the offenders, will function virtually like military courts. They are empowered to try the offence "in a summary way" and all proceedings before them shall be conducted "in camera".¹⁴⁵

The Terrorist Affected Area (Special Courts) Act, has also been examined by PUCL and PUDR¹⁴⁶ for its anti-liberty nature. The objective of the Act is to set up special courts in terrorist affected areas with the objective of holding in camera trials, in places other than the usual court room with the purpose of not disclosing the identity of the witnesses. One of the objectives is also speed in trying offences.¹⁴⁷

As is evident, the civil liberties groups have examined closely and then attempted to educate, through their reports how the arena of liberty may be "legitimately" restrained by the state, i.e. by working within the framework of law. Moreover through their reports they are able to wade through the technical jargon of law and explain the implications of legislation. Thus civil liberties groups have greatly helped in demystifying law.

Another special arena for investigation by the civil liberties group is the power that accrues to the

government and administration through the Disturbed Areas Acts. When a State or an area is declared "disturbed", the Armed Forces Special Powers Act comes into force.¹⁴⁸

Reports have pointed out the case with which such an Act may be enforced in any area. A PUDR report points out:

By a simple procedure of a proclamation through a gazette notification, the government can declare any area in any State as a "disturbed area". It is sufficient the Governor of the State or the Administrator of the Union Territory or the Central Government is of the opinion that the whole or part of the State, or Union Territory is in a disturbed or dangerous condition. No objective criteria are laid down to define what events or occurrences would justify such a declaration".¹⁴⁹

Another Report¹⁵⁰ points out that the Armed Force (Assam and Manipur) Special Powers Act 1972 says that subjective satisfaction of any authority (Governor, Administrator of a Union Territory or the Central Government) is required for declaring the area disturbed. No objective criteria is laid down. The notification cannot be reviewed. There is no role for the legislature. The Central Government can declare an area disturbed even if the State Government is not in favour. Currently the Armed Force (Special Power) Act is in force in Punjab,¹⁵¹ Jammu and Kashmir,¹⁵² and Assam,¹⁵³ and other north-east States.¹⁵⁴

Discussing the consequences of the Armed Forces (Assam and Manipur) Special Power Act 1972, the PUDR has highlighted the colossal powers that the administration derives: The civil authority is virtually replaced by the Armed Forces who enjoy wide power. Extra-ordinary powers accrue to the army (even to non-commissioned officers) for maintaining public order, such as of search without warrant, arrest even on suspicion, right to fire and use force after warning, etc. Citizens have no channel of redressal. Women suspects have no security against searches or detentions by male officers during the day or night.¹⁵⁵

The wide powers have provided opportunity for highhandedness on part of the executive agency, which has been documented in reports of the Civil Liberties Groups. A report of the PUDR, outlines the vast powers that accrue to the police under the Andhra Pradesh Suppression of Disturbances (APSD Act):

The APSD Act armed the police with sweeping and arbitrary powers. Under the Act certain non-cognisable offences became cognisable and non-bailable; offences such as robbery automatically invite the maximum penalty of ten years rigorous imprisonment. Certain offences, not normally warranting the death penalty may, under this Act lead to punishment by death. Any magistrate or police officer not below the rank of Sub-Inspector may fire upon or use force even to the causing of death against any person who is acting in contravention of any law or order for the time being in force in such an area prohibiting (a) the assembly of five or more persons or (b) the carrying of weapons or things capable of being used as weapons. The subjective satisfaction of the Sub-Inspector, moreover, is the sole criterion for shooting persons to death.¹⁵⁶

In the specific case of Andhra Pradesh, the Andhra Pradesh Suppression of Disturbance Act was, before the creation of Andhra Pradesh in 1956, known as the Madras Suppression of Disturbance Act and was implemented in Telengana to suppress communist activity. In 1969, the following areas were declared disturbed : seven taluqs in Srikakulam district, five taluqs in Khamman district, three taluqs in Warangal district and part of the Manthani taluq of Karimnagar district. In 1976, two taluqs of east Godavari district, in 1978 two taluqs of Karimnagar district and parts of Adilabad district were declared disturbed.¹⁵⁷

An article in the PUCL¹⁵⁸ documents the misuse of power under the Armed Forces (Special Powers) Act in the Senapati Area of Manipur. The consequence has been the filing of a Writ Petition in the Guwahati High Court by two civil libertarian lawyers,¹⁵⁹ on behalf of the Naga People's Movement for Human Rights in October 1987, which calls, among other things, for clear guidelines which can ensure control of civilian authority upon misuse of power by the Army. It also challenges the constitutional validity of Section 6 of the AFSP Act which disallows filing a case against crimes of security officials without securing permission of the Central Government.

The gross misuse of power and high-handedness of the police gave rise to the "Chintapalli Arson case", in 1987 which was brought before the Indian People Human Rights Tribunal. The Tribunal indicted the police which had systematically and wilfully burned down the tribal hamlets in the Chintapalli Agency Area in the Vishakapatnam district. The objective was to punish the tribals in order to stop them from practising shifting agriculture and from harbouring "Naxalites".¹⁶⁰

The civil liberties groups were trenchant in their criticism of the fifty ninth Constitutional Amendment.¹⁶¹ In order to facilitate the application of Emergency in Punjab, Article 352 of the Constitution was amended in its application to the State of Punjab, so as to include "internal disturbance", as one of the grounds on which the integrity of India may be threatened. They pointed out in their Reports that the term "internal disturbance" had been removed from the Constitution as a consequence of an electoral promise of the Janata Party, "in order to safeguard democratic institutions in the country from being usurped by authoritarian tendencies."¹⁶²

Moreover the 59 Amendment would suspend even Article 21 which guarantees the "Protection of Life and Liberty (Only Article 20 would remain inviolable)."¹⁶³

Apart from the content of laws the groups have also been conscious of the method frequently used for making important legislation. Often the government attempts to legislate through Ordinances. This is perceived by these groups as an undemocratic activity which whittles down the authority of elected bodies. This, even more so, when far reaching Ordinances are promulgated very close to the commencement of the Parliament Session.¹⁶⁴

Apart from highlighting the authoritarian legislation which limits the orbit of the citizen's liberty, and thus building up public opinion by educating the citizen, an important aspect of the concern of the civil liberties groups is to publicise any arbitrariness of the State, and its law enforcing agency - the police.

The exercise of police power needs to be perceived as a two-edged sword - without the police the opportunity to utilize civil liberties would diminish, nevertheless the police, commanding the legitimate use of force, can pose a potential threat to civil liberties.

The legitimate use of force at their command has been restrained by laws and regulations which outline the arenas of their power. These are the Indian Police Act 1861, the Indian Penal Code 1860, Code of Criminal Procedure of 1898 (amended in 1978), the Indian Evidence

Act, the Jail Manuals and the Police Manuals, etc. Despite these restrictions, the police still enjoy a considerable degree of power. The draconian legislations, examined earlier, increase executive and police discretion by removing the procedural and judicial safeguards which exist to protect the individual.

The controversial issue of police encounters had been raised initially by the CFD Civil Rights Committee in the Post-Emergency period, however, it is an important concern of the PUCL and the PUDR as well.

Clarifying the use of the term "encounters" which the Police often use, an article in a PUCL Bulletin clarifies :

It initially implied an armed confrontation where fire was exchanged and in the ensuing shooting people were killed. Since the seventies, it represents in most cases, the taking into custody of an individual or group, torture and subsequent murder. The death generally occurs as a result of brutal torture or stage-managed extermination in an appropriate area. An official press release then elaborately outlines a confrontation and encounter when the police fire in self-defence. 165

The groups have also discovered in course of their investigation that suppression of Naxalite activity is often a handy excuse for police repression. A report analyses:

The licence to kill was given initially to suppress the Naxalite movement. The Policemen were promised promotions and rewards Prompted by such

licence and inspired by the rewards, the policemen began killing anyone and then branded them as Naxalites. 51 such "dreaded Naxalites" killed in encounters remain unnamed and unidentified, while their killers got all the promised rewards.¹⁶⁶

A PUDR document attempts to reveal the truth about the police "encounters". Its report states:

Of the 185 people killed in encounters only 90 people were underground activists. That is to say, that only in these latter cases the theoretical possibility of a genuine encounter exists The remaining 95 people were all ordinary peasants, tribals and miners from Singareni Coal belt.¹⁶⁷

The issue of encounter deaths of so-called "Naxalites" by the police was enlarged by an article in the PUCL Bulletin which pointed out that social activists and inconvenient journalists too were being conveniently eliminated by the police under the guise of the so-called "encounters" with "dacoits" in some parts of Uttar Pradesh. The stigma attached to dacoitry, and the fear psychosis which dacoits generate, serve as a handy excuse for the police.¹⁶⁸

Police atrocities and denial of civil liberties have been highlighted at various place in the PUCL Bulletin. Thus the police atrocities upon the fisherfolk at Nadukuppam in Tamil Nadu, in course of their displacement in pursuance of a World Bank supported beautification drive in the city, is covered and reported.¹⁶⁹ Another report throws light on the police-highhandedness in Thanjavur district against the

cadres of the Indian People's Front.¹⁷⁰ A report has recounted the incident of the hand-cuffing by the police of a Chief Judicial Magistrate at Nandiad District in Gujarat - an action which threatens the dignity and independence of the Judiciary.¹⁷¹

The Civil rights groups are extremely wary of and vigilant against the power and authority which the police commands over the citizens in their custody. Protection of the rights of the undertrial is a very important arena of concern for the civil liberty activists. The dictum that an accused is to be presumed innocent unless he is proved guilty, is an important concern of the civil rights groups.

Many of their reports document cases of torture in police custody.¹⁷² Their reports have industriously traced cases of police frame-ups, of mysterious deaths, disappearances and even suicides, in police custody. They point out that more often deaths, disappearances and suicides are the stock excuses given for deaths by torture. Other stock reasons given for death in the police lock-up are illness, cardiac failure injuries received prior to arrest, etc.¹⁷³

The PUCL Bulletin has also reported police custody violence and custody deaths from time to time. See for instance, reports : "Bihar, A Report on the Death in Police Custody of Yogendra Chandra of Patna".¹⁷⁴ See

Report, "Police Brutality : Kerala Lock-up Death Challenged"¹⁷⁵ and a PUCL Report on the Death by Police Beating at Bihar Sharif.¹⁷⁶

Civil liberty groups have also pointed to a connection between poverty and police custody. The undertrial who is poor economically is likely to face greater torture and cruelty since he does not have the wherewithal to obtain bail. A report points out that the people who die in police custody are often poor labourers, domestic servants, hawkers, slum dwellers, and those who live in rehabilitation colonies. Says a report:

.... it is the social and economic vulnerability of the victims which provide the context for torture and death....¹⁷⁷

In fact, the PUDR has made an empirical study of the socio-economic backgrounds of 48 custodial deaths and found:

By and large these are the people marginalised by the economy and in some cases by the polity. The continuous process of generating destitutes at its margins, is part of the process of development. If, by chance, these people come into contact with the police mechanism, then they become 'criminals' to be tortured and killed. It is the 'value' of the murderer and the 'worthlessness' of the murdered that govern the response of the powers that be. Thus the social roots of the custodial deaths lie beyond the custody.¹⁷⁸

The civil liberties groups have made it a point to report on police firings as these are clear cases of use of state power violative of civil liberties. In course

of investigation, other facets of oppression may be thrown up. Significant reports are the Banjhi Report¹⁷⁹ on police firing on adivasis, the report on the Arwal Police firing¹⁸⁰ and the report on the arson by the police against the tribals in Chintapalli in the Godavari Agency Area in Andhra Pradesh¹⁸¹. We will point to one salient report.

The case of Banjhi firing in which 15 adivasis were killed, is linked up with a murder of an Adivasi in which a non-tribal was a suspect, and with a long series of actions in which the police appeared supportive of non-tribals against the tribals' demands of investigation of the case. The facts and the backdrop analysed in the report, highlight the police - non-tribal collusion as well as pattern of economic exploitation by the latter in the daily life of the tribals.

The perception that poverty is linked with the denial of civil rights has been visible in many of these reports. This perception is apparent also in their documentation of some cases of police firings. Whether it is Banjhi, or Arwal or Chintapalli the victims of the violence have been the poorest. Let us examine these briefly. However it must be pointed out that these cases have been selected by us from among a vast array of reports of a similar nature documented by the civil liberty groups.¹⁸²

Apart from commenting on how the state perpetrates the denial of civil liberties largely upon the poor, the civil liberty groups have also documented, through their reports, the patterns and processes by which the state works against the poor through its development policies. The slant of the entire development process tends to militate against the interests, and often the very survival of the very poor. Large-scale dams, river valley projects, heavy industry, road construction, mining and irrigation projects, mechanisation, etc., generally perceived as indicators of development, adversely affect the interests, and very often the very survival of the poor of the area.

Thus the PUDR Report on Baliapal¹⁸³ focusses on how the setting up of a Nuclear Missile Testing Range takes away the right of the local resident community to lead their economically viable, well settled existence. This displacement of a community to make place of what may be perceived as an (aggressive) concomitant of development, undercuts the local people's right to their livelihood and perhaps even survival.

Instances of reports documenting displacement under pressure of development may be multiplied. The Subernarekha multipurpose development project in Chotanagpur, Bihar, has contributed to displacement land alienation and deforestation.¹⁸⁴ Also the Bodhghat

project on River Indravati is estimated to submerge 13,783 hectares and effect 42 villages.¹⁸⁵

The PUDR Report on Bastar highlights the displacement that will come in the wake of development projects. Says the Bastar Report,

In the period between 1956-81, a total of 1,25,483 hectares of forest was transferred to various development projects.¹⁸⁶

Even the mining projects, situated as they are primarily in forest areas, serve to displace people - especially substantial tribal populations. Forests are destroyed and people are disrupted.¹⁸⁷

Apart from displacement as a consequence of construction of dams, river-water projects, heavy industry and mining, there are also the closely related consequences of ecological degradation, destruction of forests and of the opening of avenues for the easy commercialisation of forests. These work in complex, but interdependent ways on the life of the local populace.

Specifically in the case of mining, the ecological impact may be seen as being related to the dumping of waste, increase in toxicity in land and water, consequent reduction in land fertility, problem of waterlogging, silting, lowering of water table in the area, the drying up of wells, etc. The weather cycle is

effected and flood-drought cycle is generated. On the social plane the impact may be thus perceived.

Loss of land has obvious implications for cultivation Water pollution causes water-borne diseases. Air pollution and sound pollution cause chest, eye and ear diseases.¹⁸⁸

But even if the people accept the social costs of having a mine or industry or project in their midst, there is no guarantee that the jobs created will be given to the tribal folk or the forest dweller. It is reported that :

The colonial bias of administration condemns them to menial contract jobs of a casual nature and prefers people from the plains area for the better jobs. Almost all of our heavy industries are situated in the tribal areas, but an overwhelming majority of their workers are non-tribals. This conscious policy noted by almost every report of the Scheduled Castes and Tribes Commissioner is an important reason for the deterioration of the economic life of the tribals.¹⁸⁹

That little or no advantages accrue to the local populace from having a large-scale mining or another developmental project in their midst is illustrated by the following statement :

Almost all of the output from these mines¹⁹⁰ is exported to Japan and the unit is now India's largest foreign exchange earning unit.¹⁹¹

However apart from documenting the symptoms of adverse development policies, civil liberty groups have in their reports, questioned the anti-poor bias which is inherent in the development policies, and which often

militates against the survival of the poor. The critique of the forest policy, well documented in the PUDR Report "The Undeclared Civil War",¹⁹² raises such questions on the fundamental contradictions which inhere in the policy - the contradiction between the survival rights of the poor, dependent on forests and the commercial interests also dependent on forests.

Says the PUDR reports :

"It is the kind of development process which the government chooses that determines the intensity of exploitation and destruction of forests and the deterioration of the life of forest people".¹⁹³

And,

"It should be noted, however, that the 'public benefit' - a term which echoes in all forest policy resolutions¹⁹⁴ is an euphemism for commercial interests".

The consequent depletion of the forests naturally has an impact on local life. Ironically, the stringency of forest laws which have continually placed greater restraints upon the local people's right over forest and forest produce, appear to be based on the premise, and project the notion that, the depletion of the forests may be linked with predatory demands of the denizens of the forests.¹⁹⁵

The PUDR Report "The Undeclared Civil War", attempts to right this erroneous notion. The report also points out that the social forestry programmes of

the government are a poor substitute for the rich natural forests which have been cut to accommodate the interests of commerce, or to set up heavy industry, irrigation projects and mining operations. Moreover, much of the social forestry operations are often undertaken with an eye to commercial interests.

This report has also highlighted the close dependence of the tribals or the forest dwellers life-style on the environment. In the absence of available and continuous employment from any other source, and sometimes in order to supplement his income and often to survive in the lean season when there is no agriculture or any available employment, the denizen of the forest does encroach on the forests despite access to them having been prohibited to him by law.¹⁹⁶ This creates patterns of exploitation and dominance between the local forest dweller and the forest personnel.¹⁹⁷

The forest dweller begins to be perceived as predatory or as an exploitative encroacher on the forest, without placing in context his survival need, or his traditional economic dependence on the forests.

In course of their reports, the civil liberty groups have documented how rules may be interpreted to suit the commercial interests. An interesting example is provided by the PUDR report on a land struggle in the terai area of Uttar Pradesh. The report points to an

interesting anomaly that 90 per cent of the land in district is classified as reserved forests in which the people have no right. But reserved forest are also exploitable forests. Consequently forest have been felled and planted with useful species like eucalyptus, teak and khair. Also large tracts of the forest area are being made available to a paper mill.¹⁹⁸

Reports of the civil liberties groups also document the exploitation and corruption, by which the rights of the forest people are often compromised. Thus the report on "The Banjhi Massacre" points out :

Though the Santhal Parganas Tenancy Act prohibits sale and gifting of land in the Santhal Parganas, a sizeable portion of it is in the illegal occupation of the moneylenders and other 'outsiders' in almost every village in the full knowledge of government officials.¹⁹⁹

How patterns of prevailing social and economic hierarchies mediate upon the utilisation of rights is amply documented in the incidents and cases which have been reported in the Bihar reports. The frequent incidence of violence²⁰⁰ often explained in terms of caste-war, and police intervention, and firings to meet the problem, the appearance of caste senas²⁰¹ on the Bihar scene, the mobilisation of peasants around mass organisations which are fronts of the CPI (ML) and other radical groups, are the features of present-day Bihar which one can derive from the various reports of the civil liberties groups on Bihar.²⁰²

These reports have also analysed the issue of denial of rights of the poor by the rich, and the unique situation in which the police finds itself supporting the interests of the richer class, in the light of (a) the caste-structure which prevails in Bihar; (b) land ownership patterns vis-a-vis castes which existed prior to the Zamindari Abolition Act (1950); (c) the alteration in caste-land ownership pattern which emanated after the Act; and, (d) the changes which have come in the wake of the state-inspired Green Revolution Programme.

These reports of the civil liberties groups have greatly facilitated understanding of the ground realities of the situation in which the denial of rights is located. They point out that there may not be a consistent rich class - upper caste, versus poor class - low caste tension. The divide and tension may be between high-caste and middle caste, or middle caste and lower caste, and the higher caste may not always be the richer class in the former case.²⁰³ Thus what passes off as caste violence in the press reports may have strong class or economic issue at the heart of it.²⁰⁴

In a report "And Quiet Flows the Ganga" the PUDR has pointed out that social contradictions surface when the substantial labour demand is not fully mediated by impersonal market mechanisms. The tendency of landlords

to perceive labour arrangements in a feudal framework of traditional dependence influences payment of low wages even to those who are solely wage-labourers and outside the customary ties of dependence.²⁰⁵

Thus documentation in the ambit of Bihar has tremendously widened and deepened the understanding of the importance of context in the perception of rights.

The Bihar reports have pointed out that exploitation and repression of the poorer classes is being challenged and met by the appearance of some mass organisations related to the CPI (ML) and other radical groups²⁰⁶ and front organisations who have encouraged the poor to become assertive on issues such as minimum wages, seizing control of land being held in surplus of ceiling, or of land which is declared by government as common land (gair mazarua)²⁰⁷ but continues in the illegal occupation of the landlords, or on the control of diara land, as well as on the issue of harassment of their women folk.

The reports point out that the police tend to intervene in the interests of the richer classes with the objective of maintaining status quo in political and economic power. The unrestrained functioning of these Senas also indicates their tolerance by the State. In fact in some places the police and the armed Senas have collaborated the eliminate peasant activists.

The report referring to the agencies of State authority : police, administration, etc., states :

The most disturbing element in this picture is that these agencies have implicitly or explicitly collaborated with the private organisations of vested interests to suppress the poor. The policy on the part of the State cannot be viewed as accidental.²⁰⁸

In their report on Assam, the PUDR has outlined a pattern of regional exploitation :

The continuous linear exploitation of highly visible resources, cultural specificities and social history are among the factors that over the years sustained the feeling of neglect by the centre that is woven into the question of identity in Assam. This widely shared perception informs the backdrop to the rise to dominance of the United Liberation Front of Assam.²⁰⁹

In their report, there is also documentation of the struggles which are being waged, by many of these marginalised groups. The reports analyse the background and the immediate and the general causes within which the struggle is located. The struggle or protest action is seen as a critique of the State policy.²¹⁰ Struggle is not seen as creating merely a law and order issue, nor is it seen in isolation but as a corollary to poverty, marginalisation and loss of perceived rights, etc.

The Bastar report points to the tribal protest against the pine monoculture, i.e. a protest against a governmental policy which is perceived as adverse to the livelihood and interests of the tribals.²¹¹

It also reports the resistance of the local populace to the Bodhghat dam project to be constructed upon the Indravati.

Also their documentation on struggle has highlighted the linkage between deprivation and struggle. Issues which have built up feelings of resentment and struggle are more or less similar in different parts of the country, apart from a few regional variances vis-a-vis nature of economy. Thus issues on which differences are perceived, and on which the poor may range themselves against the richer class or the landlord class, will usually be - nonpayment of minimum wages,²¹² continuance of bonded labour,²¹³ denial of a fair wage (as for tendu leaf collection), acquiring of control by the local landlords or mahajans, of governmental financial sources of aid and welfare schemes such as canal, building, schools, roads, etc.,²¹⁴ usury,²¹⁵ and the abuse by dominant/powerful classes of the women folk of the poorer classes.²¹⁶

Struggle may also be directed against State behaviour of denying the poor populace of their fishing rights by the government auctioning of rivers and ponds,²¹⁷ over which the tribals enjoyed traditional rights, or by declaring agricultural land as reserve forest,²¹⁸ and thus creating land hunger and deprivation, denying access to them of forest produce

which is linked to their livelihood, forcing the poor to become a poacher.

Sometimes struggle has to be waged to take possession of rights which the government may have granted but is unable to provide, e.g., the redistribution to the poor of land possessed in excess of ceiling, or the redistribution of gair mazarua land which remains in illegal control of the big landlords.²¹⁹

That some of these struggles have been supported by organisational and mobilisational activity of radical groups has also been documented in the reports of these civil liberties groups. The activity of fringe groups and front organisations of the CPI (ML) such as BPKS or MKSS in mobilising groups to assert themselves to struggle for their rights has been documented.²²⁰

Similarly in areas of Andhra Pradesh, the People's War Group has been able to support people in their struggle for fair wages for tendu collection as well as for the workers of Singareni Collieries, and in protests around government protection of arrack sale. Their "people's courts" grant them "justice" against oppression and exploitation variously perceived - excessive extortion, or suppression, or against non-implementation by officers of development schemes.²²¹

Similarly the activities of the Rajasthan Kisan Union have been able to create a feeling of self-esteem and self assertion among the tribals who have been continuously subject to usury, and denial of forest rights.²²²

The Bastar tribals have been mobilised under the Adivasi Kisan Mazdoor Sanghathan (AKMS) which is, the front organisation of the CPI (ML) Peoples' War Group.²²³

In keeping with their concern for the rights of the weak, the groups have been concerned about the denial of social and democratic rights of women and about the backward social position of women. In a report entitled "Inside the Family",²²⁴ the PUWR has attempted to trace the root of women's secondary position. Women's issues have been raised in the PUCL Bulletin too from time to time. The PUCL Bulletin serialised a report on "Conditions of Women in Bombay Jails", conducted under Dr (Ms) A.S. Desai, which highlighted the inadequate arrangement for the provision of legal assistance to women prisoners.²²⁵ Also serialised is the Report of the National Expert Committee on Women Prisoners set up under the Chairmanship of Justice Krishna Iyer in order to identify the gaps and drawbacks of existing facilities and services and evolve a more humane policy to women offenders.²²⁶

The rape case of Gunta Behn is reported in the PUCL Journal.²²⁷ The issue of Sati at Deorala, the subsequent legislation at Rajasthan were discussed.

The Muslim Women (Protection on the Rights of Divorce) Act has been critically reviewed and seen as going against equal rights for Muslim women, as well as against Directive Principles.²²⁸

Another area which has attracted the attention of the civil liberty groups has been the examination of the ill-effects and hazards of the rayon mills at Nagda (M.P.), upon the life and health of the workers.²²⁹

Deaths reported from a Mental Asylum at Ranchi have led to a close examination of the conditions there.²³⁰ One report has analysed and commented upon the Reservation issue.²³¹

Analytical articles on a diverse range of subjects are featured in the PUCL Bulletin, highlighting the different aspects that may be incorporated into the issue of civil liberties and democratic rights. Thus an article might discuss "Religious Freedom Under Our Constitution and Social Reform",²³² "Conditioning the Child's Mind : An Analysis of School Text Books",²³³ or "Child Prostitution".²³⁴

Periodically the PUCL has excerpted Documents, Declarations and Reports of the United Nations. This

appears like the reiteration of the ideals from which the civil liberties draw their sustenance.

From time to time the reports of the Amnesty International on India are excerpted.²³⁵

In the columns of the PUCL, there is often a discussion on any legislation which is perceived as delimiting citizens liberties or rights. There was for example, a critical discussion on a controversial piece of legislation called the Indian Postal Bill,²³⁶ or on the Pre-censorship Bill of Tamil Nadu. Discussion on legislation may take shape of proposed legislations or legislative drafts, e.g., on a bill proposing to protect the rights of domestic workers.²³⁷

Part IV

An Analysis of the Tasks of the CFD, PUCL and PUDR

What can be derived from the literature that the PUCL, PUDR and CFD have generated through their investigation and reports?

Essentially, the material generated throws light on a problematic - a situation of denial of civil liberties and democratic rights of citizens. The denial may come from diverse sources - from State power, and the high-handedness in the implementation of State power; from

the exercise of power of the rich class over the poorer groups, from the exercise of caste dominance of the higher upon the lower, from the prevalence and application and exercise of power or dominance over women in diverse backdrops (within a family, at a workplace, inside police lock up or custody).

Reports indicate that in most situations there is a complex interplay of forces, and civil liberties and rights may be denied by one or even more centres of power, i.e. by the State, or by the richer class, or by the dominant caste or by patriarchal power. Thus there may be layers of oppression. While custodial excesses against a poor dalit peasant may be understood as oppression, the custodial excesses against a poor dalit female peasant may point to an even deeper level of oppression.

The denial of liberty and rights may flow also from the States developmental policies which serve to increase poverty and immiserisation, restrict employment opportunities and living options which are available.

These groups have examined issues closely, studied complex linkages and interdependencies.

The issues they have taken up concern the denial of civil liberties to individuals, or groups. They have taken up the problem of a region in its regional

specificity and uniqueness (such as Assam and Bihar), or have discussed specific issues such as the environment, mining and mechanisation policy or the forest policy. They have also documented peoples struggles.

The reports of these groups contribute towards wider publicity of issues and make their contribution towards generating consciousness among the citizen. The reports attempt to fill the reader in, not only on the facts of the immediate issue, but also with facts on related and background issues which highlight and establish some interlinkages and interdependencies. This goes a long way to help the public develop a critical understanding of the issues at hand, and prevents it from being confounded or stymied by technical and sophisticated information which the established interests may attempt to put forward as explanations or excuses.

We will take up only two examples from the whole gamut of material to highlight some of the points made above, especially with regard to the details and inter-linkages.

In the Bastar Report,²³⁸ an attempt is made to relate the present day tribal in his historical, social and cultural specificity with the modern development processes, governmental programmes and state machinery. Sharpness and immediacy in the report is brought through

data on population, earnings, forest cover, etc. from government reports and commissions.

Similarly the discussion on the forest policy in the report by the PUDR,²³⁹ is furnished with governmental statistics and data of several years from "Development of Forestry and Forest Produce : Country Profiles" of the Government of India as well as several years' reports of the National Commission on Agriculture. The environment question with which the life of the tribal is uniquely interlinked is brought out with the help of adding a note "National Forests versus Commercial Forests", brought out by Kalpavriksha - a Delhi based environment agency.

Thus spreading information about events, issues and policies which militate against the civil liberties of the citizen, specially the poor are the very rationale of the existence of these civil liberties organisations as public groups. Their insight is :

"Lack of information about repression is part of the scheme of repression itself ...".²⁴⁰

And,

"The struggles of the poor and the oppressed, like their economic and social lives, are as a rule marginalised and pushed into obscurity. They do not make the headline ...".²⁴¹

The reports of these groups have tried to unravel the perils and anguish of poverty from the romance and

peace usually associated with the lives of tribals or forest people. States a report :

"To outsiders it appears that the adivasis are in perfect harmony with nature. But hard labour in adverse terrain is no harmony. Cruel poverty has no romance in it".²⁴²

The report comments on the distance created between the urban based ruling elite and the tribals :

"Alternately these adivasis and their practices have also become the basis for condescension and patriarchal attitudes of the ruling elite. To them the adivasis are innocents in need of enlightenment from the benevolent establishment. But in fact they are intelligent beings with tremendous fortitude who survive the difficult geo-economic terrain".²⁴³

The approach of the three civil liberties groups is sensitive sympathetic and perceptive. This is evident in their reporting. We quote one statement :

The experience of these adivasis with the legal system is heart-rending ... In cases like TADA, it is not easy to get bail. But even if they are granted bail, they are usually unable to provide sureties. Ironically the surety demanded is patta, the lack of which has driven them to the path of struggle. So they remain in jail for months, even years.²⁴⁴

Similarly in the case of the Citizens for Democracy the motivating ideal of Total Revolution believes in "generating people's power an arrangement which will favour the poorer sections. The People's Committees on their agenda too are required to give representation to the weaker and poorer sections. The CFD is no believer that the harbingers of Total Revolution "will spring

from the upper classes in the country". They believe that :

"... it is indeed more likely that freedom loving and morally inspired individuals will come from the comparatively more educated sections of the exploited masses, than from the upper classes".²⁴⁵

Their consistent demand for the "right to work" to be incorporated in the Indian Constitution can specifically be seen as evidence of their concern with the poor and unemployed.

While many reports of the PUDR and many articles in the PUCL Bulletin have a pro-poor bias or leaning, some reports and articles concentrate their attention on the specific problems faced by poor sections of society. Thus, the PUCL has taken up the issue of the problems of the unorganised sector labourers recognising that :

"While the Equal Remuneration Act or the Payment of the Minimum Wages Act do exist, these labourers, because of the nature of their employment (bonded, contract, casual, migrant), hardly have access to them".²⁴⁶

And,

"With the established trade unions being equally apathetic to their existence and their exploitation, they seem to be destined to struggle alone and anonymously. Needless to say, they cry for our help".²⁴⁷

Similarly, the PUDR has also a report dealing with the conditions of the unorganised sector workers.

Reporting on slum eviction and discussion on the right to shelter has been evident in the reporting and documentation.²⁴⁸

Moreover civil liberties groups have pitched their strength on the side of the poor. They may be termed as being "activist on the side of the poor". This has been done by some conscious steps and positive interventions on the part of the PUCL and PUDR.

Thus while the very act of reporting on instances of denial of civil liberties may be seen as a conscious act of intervention with the intent of upholding civil liberties and democratic rights of a citizen (more specially as we have seen earlier, of the poorer and weaker citizen), the PUCL and PUDR and CFD have made other, more conscious interventions with the objective of making rights available for citizens. The following steps may be seen in this light :

- a. Role in pressurising the government to react on the issue of the 1984 Sikh riots,
- b. Role in moving the judiciary and the consequences of the Asiad case, and,
- c. The setting up of the Indian People's Human Rights Tribunal.

Let us examine these in some detail.

In the Delhi Riots 1984 issue, the civil liberties groups have played an important part, not only in documenting facets of the carnage which had touched

other cities of India as well, but also in maintaining a persistent pressure upon the authorities so that the issue did not die in the absence of a follow up. In the immediate aftermath of the riots, the civil liberty groups undertook a careful piecing together of evidence to reconstruct the grim events of the period. They also identified some guilty individuals.

The Report, "Who are the Guilty? ",²⁴⁹ was an excellent instance of co-operation between the PUCL (Delhi) and the PUDR. The CFD also came out with a report, "Truth About Delhi Violence". The groups continued to demand the setting up of a Commission of Enquiry which was conceded after 6 months. Subsequently they brought out a critique on the Mishra Commission Report²⁵⁰ and have kept a vigilant eye on the tortuous procedures which sprang from that report. Last year on the anniversary of the carnage the PUDR published a pamphlet.²⁵¹

The CFD states in its Reports on Punjab (1989)²⁵² that some of the alienation of the people of Punjab sprang from the State's failure to punish the guilty of the 1984 riots.

From discussions spread over these many years, and many reports later, some important facts have been highlighted, which have a bearing upon the issue of people's liberties. That in the immediate period

following Mr's Gandhi's death, the Indian State appeared to have gone by default, jettisoning its responsibility for law and order in the country - thus restricting the right to life of many citizens.

Also that the eventual appointing of the R.N. Mishra Commission was done only when Sikh public opinion and political parties made the appointment of such a commission, a condition for the Rajiv-Longowal talks.²⁵³

The complex procedures set in motion are a commentary on the slow process of law and justice in India.²⁵⁴

However the contribution of the civil liberties groups lies in the initiative they have exhibited in keeping the issue of the 1984 Riots in the public mind and the governmental files.

The civil liberties groups have been successful in discovering a novel and imaginative way to expand the scope and degree of freedom available to the poorer sections. They have attempted to move the law courts on behalf of the poorer and exploited groups in order to secure, through the judiciary their due legal and constitutional rights which are denied to them by the powerful groups, and often even by the State.

A case was filed by the PUDR in the Supreme Court against the Delhi administration drawing attention to

the large scale violation by the Delhi Administration of several labour laws in course of the construction work being done in preparation for the Asiad. Thus Asiad construction workers were being denied many rights which the State guaranteed under acts such as the Minimum Wages Act 1948, Employment of Children Act 1970, Equal Remuneration Act 1976, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1977, Contract Labour (Regulation and Abolition) Act 1970.²⁵⁵

This petition was filed by the PUDR on the basis of a report of a fact finding team of the PUDR which visited the sites in July-August 1981, which documented the exploitation of over one lakh workers who had been employed by government agencies and contractors. A letter of the PUDR President accompanied this report.

The Court not only took cognisance of this letter as a writ petition but it also appointed an Ombudsman to study and report on the conditions of the labourers. It also gave directions to the Union Government, the Delhi Administration and the Delhi Development Authority to ensure the payment of minimum wages and provision of other facilities to the workers under various laws.

The case²⁵⁶ which became well known as the Asiad Labour case raised some important questions of law. It also served as a pioneering, path-breaking case which

opened the avenue of "public interest litigation",²⁵⁷ in order to not only draw the court's attention, but also to seek relief from conditions of grave oppression or exploitation, denial of legal and constitutional rights of the poorest sections.

The legal issue of locus standi²⁵⁸ -of the people moving the law courts in the interest of another group, came up in this case. The court interpreted it widely and in a manner sympathetic to the interests of the poorest sections. This gave evidence of the Supreme Court adopting a pro-poor stance.

Also, according to Gobind Mukhoty :

Though initially, the Court allowed only a taxpayer to challenge the work of a public authority like a Municipality, now the Court is allowing an Organisation like PUDR or even an individual locus standi when a class or section of people's interests is affected. Not only that, the Supreme Court has allowed, and is allowing even a letter to be treated as a Writ Petition, when that letter refers to intolerable suffering of the poor and mute sections of the society because of non-implementation of welfare legislations by callous and indifferent administration.²⁵⁹

It has often been said that this interpretation of the Supreme Court helped initiate a "silent revolution" in that such cases would work to make available the legal and constitutional rights of the poor, whose rights, because of their timidity and non-assertion, are often compromised by the rich and powerful.

However perceptively, Baxi has also pointed towards the inbuilt limitation of SAL in the prevailing environment:

The court is augmenting its support base and moral authority in the nation at a time when other institutions of governance are facing a legitimisation crisis. In the process, like all political institutions, the court promises more than it could deliver and is severely exposed to the dynamics of disenchantment.²⁶⁰

But despite the limitation, the role of public interest litigation remains a significant method, pioneered by PUDR, to attempt to expand the scope of rights of the marginalised groups.

However the activists of the civil liberties groups see this facet of their work as meaningful and significant.

In fact, in recent times this ability of the democratic rights organisations to take up legal work has quietly become part of the very rationale of their existence.²⁶¹

People's Union for Democratic Rights has also taken up cases of victimisation of union leaders in magnesite mines of Pitheragarh, U.P. (1986), contract labour in Meghatuburu iron ore mines of South Bihar (1983).

Other cases taken up by PUDR include one of 100 terminated workers of Bokaro Steel Plant (1984), 100 retrenched workers of irrigation department at Rohtas, in Bihar (1984), retrenched workers of a television

company, Televista (1984), dismissed employees of Delhi Transport Corporation, DTC (1989).²⁶²

In another instance the PUDR filed a writ petition before the Supreme Court on the death of a wage labourer who had died as a result of police violence, praying to the Court "to direct the State to suspend the SHO, Inderpuri and pay adequate compensation to the victim".²⁶³

Another report mentions that the PUDR has filed a petition in the Supreme Court challenging the constitutional validity of the Andhra Pradesh Suppression of Disturbances Act.²⁶⁴

There are some instances of how the Human Rights Organisations have through the judiciary been able to get incremental advantage for the citizens. The CFD moved the Court in order to secure the release of the National Police Commission Report, which had been submitted to the government in 1977.²⁶⁵

The issue of Army atrocities against Nagas in the Senapati district of Manipur has been taken up in the form of a petition by two individuals with close links with civil liberties groups.²⁶⁶

The PUCL branch at Padrauna (U.P.) has challenged, through a writ petition in the Supreme Court, the

environmental pollution being cause by the Padrauna branch of the Cawnpur Sugar Works Limited.²⁶⁷

The PUCL has in March 1991 moved a writ petition challenging some provisions of the Indian Telegraphs Act 1885 which are being used for telephone tapping. The petition points out that Article 5(2) of the Act is violative of Articles 14, 19 and 21.²⁶⁸

The judgement delivered by Justice Bhagwati in the case of Shiela Barse versus the State of Maharashtra, regarding custodial violence to women prisoners in the police lock-up at Bombay, moved as a public litigation, has resulted in certain directives and guidelines for the police and the magistrates for the protection of the rights of the undertrial.²⁶⁹

The PUCL and YUVA filed a writ petition in the Bombay High Court on behalf of twenty stone breakers for torture in police custody in which one Jadish Chavan had died. The Court ordered a CID Inquiry into the case and awarded a sum of Rs.3000 to each of the twenty persons and Rs.5000 to PUCL and YUVA as costs.²⁷⁰

Occasionally, the civil liberties groups are able to wrest some advantages specifically for the poorer sections they work with. Thus in a public interest, the President of the Rajdhani Basti Bashinda Kalyan Sangh was able to secure from the Orissa High Court compensation for the eviction of slum dwellers in

Bhubaneswar. The court further directed that there be made arrangements for their 'permanent' settlement as well as for a state-scheme for low cost housing.²⁷¹

Dissemination of this kind of information through the columns of the PUCL Bulletin, greatly helps to increase civil liberties consciousness.

The close association of these groups with the civil liberties issues helps to sharpen their focus upon specific lacunae in law. Justice Sachar has also raised in his paper the issue of a consistent specific rule of state's accountability in case of unlawful detention.

There is no specific law as such in India. Sometime in gross cases the courts may as an adhoc measure, grant compensation. But that is very rare. The law, in this regard, is the out-moded one of filing of suit for damages against the state which in the prevailing position of law are difficult to succeed. This aspect certainly requires the attention of Human Rights activists.²⁷²

This will serve to reduce State high-handedness, and strengthen the people's civil liberties.

Another invention attempted by the Voluntary Organisations concerned with civil liberties issues is evident in the setting up, in 1987, of the Indian People's Human Rights Commission with the Indian People's Human Rights Tribunal. The objective of this is to examine cases of gross violation of the civil liberties of the people and give the Tribunal's

judgement on the issue. The judgements are unenforceable because the Commission and the Tribunal do not have the sanction of the State behind them. But they will definitely have moral validity and sanction, and help to shape public opinion against violation of human rights in the country.²⁷³

It must be pointed out that this is not a PUCL or a PUDR or a CFD initiated effort either singly or jointly. It is the initiative of "a group of human rights activists [who] felt the need for doing something positive to take the fight for human rights to a higher plane."²⁷⁴

However the contribution made by the PUCL, PUDR and CFD in creating a climate favourable for the civil rights discussions should be seen as their contribution towards the establishment of such an institutional mechanism towards enforcing civil liberties. Moreover, some of the members of the Human Rights Commission have been related to the PUCL. Also the cases taken up by the Indian People's Human Rights Tribunal have been examined by the PUDR and PUCL also. Thus the Commission and Tribunal may be seen as an intervention in which the PUDR and PUCL have also had a stake.

The model adopted by the Commission is that of the International War Crimes Tribunal set up by Bertrand Russel, Sartre and others during the Vietnam War. That

Tribunal had tried President Johnson and General William Westmoreland, the Chief of the American Army in Vietnam, for war crimes. The Tribunal tried them in abstentia in Paris because they refused to accept the jurisdiction of the Tribunal. Various persons and bodies produced evidence before the Tribunal about the genocidal acts committed by the USA in Vietnam on the basis of which the Tribunal pronounced a judgement against the US war in Vietnam. This Tribunal is today known as the 'Permanent People's Tribunal'.²⁷⁵

The Indian People's Human Rights Tribunal to date has taken up three cases of systematic violation of civil liberties : the Arwal firing in Bihar, in 1986, the Chintapalli arson case of 1987 and the Meerut Riots of 1987. In all three it has come out with a clear indictment of the State.

Says the IPHRC Report on Arwal:

This brutal and indiscriminate firing was mainly the result of the statement of guidelines issued on April 6, 1986, for the police to treat the agitations arising out of imbalanced economic structure of the society as purely 'law and order' problems and to "ensure more positive forward policing".²⁷⁶

The two member Tribunal set up by the Indian People's Human Rights Commission to investigate into the facts relating to the widespread riots that took place in Meerut in May 1987 and into the violation of human rights found that:

It was the PAC and the police who appear to have been responsible for the atrocities that were committed and the terror that was let loose in Meerut on those two days The victims were mainly Muslims It was the doing of those who were entrusted with the task of protecting law and order....²⁷⁷

In the case of arson at Chintapalli (also part of the Godavari Agency of Andhra Pradesh which has been declared disturbed), the population, largely tribal, was subject to the ire of the police between March and May 1987, because they were suspected to be protecting naxalites, and also on the ground that their shifting agriculture practice encroached on government's reserve forest area.

Two statements made by the Indian People's Human Rights Tribunal are significant as indictment of the police as well as a comment upon the nature of the prevailing system. Thus:

Protests and struggles for bringing about social changes which are only natural in an inequitable system are invariably met by the authorities violently resulting in violation of the dignity and rights of individuals.²⁷⁸

And,

Under the garb of putting down extremist violence the police cannot take law into their own hands and systematically violate the basic rights of an individual or group of people...²⁷⁹

What then are the conclusions we can draw from this comprehensive examination of the working of the civil liberties group? It might be useful perhaps to

underline that the detailed documentation of denial of rights and liberties in their different regional and cultural specificities, in the form of reports and micro-studies offer a mosaic pattern that comments on the nature of the state. It is highlighted as possessing arbitrary tendencies and as possessing a pro-rich bias.

The perception of the civil liberties groups is that there is violence endemic in the structures - social and political. This independently and often combined with state violence serves to restrict the civil and democratic rights of the citizen.

A major outcome of these reports is the highlighting of relationship of denial of civil and democratic rights with poverty - highlighting poverty as the major structural constraint to liberty and rights. The corollary is that elimination of poverty will result in greater availability of rights.

But the issue of poverty removal has to be seen not independently, but as linked with other policy choices as of industrialisation, forest policy, irrigation and mining, i.e. development per se. Thus removal of poverty will not result from greater government 'effort' to remove it, or by an additional input of resources or by an additional poverty alleviation programme - but development policy should first comprehend the basic

requirements of the poorest and then accommodate them in the plans. The lacunae noted in their reports - displacement, ecological degradation; conflict between government rights and people's right over forests, to be dealt with effectively, require not a piecemeal treatment, but have to be seen in the total integrated frame.

• They offer the valuable insight that the denial of basic rights leads to increasing resentment and finally struggles.

They have the implicit suggestion that there has to be a social transformation. They have worked towards this objective and have used the available means of redress to work for change, i.e. creating public opinion for moving towards a system more conscious of civil liberties, pressuring the state through publicity and reporting of cases of denial of rights and liberties, forcing the state to appoint commissions of inquiry for investigating denial of civil liberties, taking up the initiative for investigating denials - e.g., the Indian Peoples Human Rights Commission and Tribunal, and at times moving the judiciary in a creative manner in order to increase the area of freedom given to a citizen, e.g. through public interest litigation.

NOTES

1. See, Jyoti Punwani, "The Real Opposition", in A.R. Desai, ed., Expanding Governmental Lawlessness and Organised Struggle (Bombay : Popular Prakashan, 1991), pp.297-302.

Also, Author Not known, "Civil Liberties Organisations in Andhra Pradesh", A.R. Desai, op.cit., pp.294-297.

Also, Smitu Kothari, "The Human Rights Movement in India : A Critical Overview", Social Action (Delhi), Vol.40, No.2, January-March 1990, p.2.

2. The Naxalite Movement began in the Naxalbari area of Darjeeling district in West Bengal. They began their struggle in March 1967 by organising village communities to seize lands and initiate an armed revolution. The rebellion in the Srikakulam district (Andhra Pradesh), was a self styled Maoist Movement aimed at the immediate overthrow of State Power in the year 1968. The Srikakulam Movement was of a longer duration and involved greater violence than the movement in Naxalbari. Police action was able to curb the struggles in both areas. Says Leslie Calman : "But Srikakulam, coming soon as it did, after the Naxalbari struggle posed a greater threat to the government than its armed strength would indicate. These eruptions to violence indicated that the government's legitimacy was not unquestioned. To regain its legitimacy, the government had to suppress the movement with violence and regain its monopoly on the legitimate use of force and it had to take steps to correct the economic and political conditions that led to the disequilibrium". See, Leslie J. Calman, Protest in Democratic India : Authority's Response to Challenge (London : Westview Press, 1985), p.19. For a close examination of the Naxalbari Struggle, see, Manoranjan Mohanty, Revolutionary Violence : A Study of Maoist Movement in India (New Delhi : Sterling, 1977), and Mohan Ram, Maoism in India (New Delhi: Vikas, 1971).

3. A political movement rocked Gujarat between January to March 1974. This was spearheaded by the student community. The Navnirman Yuvak Samiti, comprising largely of students was set up at Ahmedabad. Other Navnirman Samitis were set up in other towns too. The objectives of this movement ranged from

fighting corruption, black marketeering, price-rise, rationing and perceived injustice to Gujarat. It culminated in the resignation of the Government of Chiman Bhai Patel and dissolution of Assembly. See, Ghanshyam Shah, Protest Movements in two Indian States : A Study of Gujarat and Bihar Movements (New Delhi, Ajanta, 1977).

4. Jaya Prakash Narayan's mass movement was agitational and confrontational and aimed at reconstruction. Initially the idea was to boycott the administration from the block level upwards upto the district. MLAs had to resign and there was to be a boycott of colleges and their closure. There was to be a parallel government. This would be self government and self management in the truest sense and would render an unresponsive administration really and truly unnecessary to the people. Chattra Sangharsh Samitis and Jan Sangharsh Samitis were to be the nucleus of the political organisation of the future.

As J.P. explained, "... the goal to which we wish to take our movement is Sarvodaya, for which society has to be changed radically. So we have called it Total Revolution. Vinobaji also once used the term Total Revolution. The purpose of our movement is both internal and external change, changing the entire social frame from within and also from the outside, individuals as well as institutions... The struggle began with four objectives, namely eradication of corruption, high prices, unemployment and radical changes in education. None of the evils against which the movement is aimed can be removed without radical change in the whole society. The objectives may be limited in character, but they cannot be achieved without an all-round revolution - political, economic, social, educational, moral and cultural". See, Brahmanand, ed., JP : Towards Total Revolution : Why Total Revolution? (Bombay : Popular Prakashan, 1978), Vol.4, pp.115-117.

5. The events and consequences of the Emergency are well documented and commented upon. See, Kuldip Nayyar, The Judgement : Inside Story of the Emergency in India (New Delhi, Vikas, 1977), and D.R. Mankekar and Kamla Mankekar, Decline and Fall of India Gandhi (New Delhi : Vision Books, 1977).
6. Aswini K Ray uses this term, "Civil Rights Movement and Social Struggle in India", Economic and Political Weekly (Bombay), July 12, 1981, P.1203.
7. Smitu Kothari, op.cit., p.1.

8. Smitu Kothari points out that these groups bore the disadvantage, not only of being "fragmented and sectarian" but also suffered from "a failure to join issues specially the political with the socio-economic", op.cit., p.2.
9. See, A.R. Desai, ed., Violations of Democratic Rights in India, Vol. 1 (Bombay : Popular Prakashan, 1986), p.xi.

Also, "Such groups existed even in the 50s and early 60s but they functioned sporadically. The first consistently active groups fighting for constitutionally granted rights came into existence in the early 70s when the Centre gave the go ahead to States to use any method to crush the growing Naxalite movement ... Mass arrests and torture was commonplace, and soon Committees were formed to fight for political prisoner status to those arrested to campaign against police torture on them and for their release, to spread information on the economic reasons for the Naxalite Struggle and also on other such struggles then being carried on, like the railway strike in 1974. Among the earliest of these groups were the OPDR in A.P. in 1973, the APDR in West Bengal in 1972, the Release of Political Prisoners Samiti in Calcutta, the APDR in Bombay in 1972, the APCLC in 1973". See, Jyoti Punwani, "The Real Opposition", in A.R. Desai, ed., Expanding Governmental Lawlessness op.cit., p. 296.

10. Aswini K. Ray, "Democratic Rights Movement in Contemporary Indian Politics", mimeographed paper (undated), p.1.
11. Aswini K. Ray, "Civil Rights Movement and Social Struggle in India", Economic and Political Weekly, op.cit., July 12, 1986, p.1202.
12. A.R. Desai, ed., Expanding Governmental Lawlessness ..., op.cit., p.284.
13. Surendra Mohan, "PUCL : A Historical Perspective", PUCL Bulletin, July 1990, p.6.
14. Quoted in Arun Shourie, "PUCL, CFD, CIA and all That", mimeographed paper from Lokayan Documents on Human Rights (not dated) pp.4-5.
15. Smitu Kothari, "An Interview with V.M. Tarkunde", Lokayan (Delhi), No.5, 4/5, p.113.
16. Citizens for Democracy : Purpose and Programme, p.1.

17. Ibid.
18. At the advice of Jaya Prakash Narayan, the People's Union of Civil Liberties and Democratic Rights was initially started in 1976 as a movement and not as a membership organisation, in order to avoid duplication with the pre-existing Citizens for Democracy. The movement was to be conducted by a National Coordinating Committee which would form suitable co-ordinating committees at the State and local levels. However, it was transformed into a membership organisation at an All-India Civil Liberties Conference held in New Delhi on November 22-23, 1980.
19. Kothari, op.cit., p.3.
20. Sixth Parliament and Democratic Rights, PUCL & DR Report, 1979.
21. See, Iqbal Ansari, "Preventive Detention : Its Incompatibility with the Rule of Law", in A.R. Desai, Violation of Democratic Rights in India, op.cit., p.101.
22. A.K. Ray, "People's Union for Democratic Rights A Political Appraisal", mimeographed Paper (not dated), p.4.
23. Ibid.
24. Surendra Mohan, op.cit., p.7
25. The Report 'Who are the Guilty', brought out in October 1984, jointly by the two organisations is an excellent consequence of their joint efforts. It was followed up in May 1987 by "Justice Denied : A Critique on the Report of the Mishra Commission set up after the 1984 Riots".
26. See, Rapporteur's Report, Fourth Annual Convention of the People's Union for Democratic Rights, September 21, 1985.
27. Aswini K. Ray, "Democratic Rights Movement in Contemporary Indian Politics", mimeographed paper (undated), p.13.

An activist of the PUCL, Shri Inder Mohan expressed the view that given the vastness of the task before the civil liberties organisations, the growth in numbers of such bodies would be a welcome thing. Interview with the Researcher.

28. According to Article 37 of Part IV of the Indian Constitution, "The provisions contained in this part shall not be enforceable by any Court".
29. According to Chinappa Reddy J, "The difference between the fundamental rights and directive principles lies in this, that Fundamental Rights are primarily aimed at assuring political freedom to the citizens by protecting them from excessive State action, while Directive Principles are aimed at securing social and economic freedom by appropriate State action. The Fundamental Rights are intended to foster the ideal of a political democracy and to prevent the establishment of authoritarian rule but they are of no value unless they can be enforced by resort to courts. So they are made justiciable. However it is also evident that notwithstanding their great importance, the Directive Principles cannot in the very nature of things be enforced in a court of law. But, it does not mean that Directive Principles are less important than fundamental rights or that they are not binding on the various organisations of the State".

In Akhil Bharatiya Soshit Karamchari Sangh Vs. Union of India (1981), 1 SCC, 246. See, Constitution of India (Lucknow : Eastern Book Co., 1989), p.28.

30. Ibid., p.29.
31. Ibid., p.29.
32. Article 39A.
33. Article 40.
34. Article 44.
35. Article 45.
36. Article 46.
37. Article 47.
38. Article 48A.
39. Article 49.
40. Article 50.
41. Article 51.

42. Citizens for Democracy, Purpose and Programme, not dated, p.1
43. Ibid., p.1
44. Ibid., p.14.
45. In a Conference in 1977 the CFD decided to launch a movement for the formation of People's Committees.
46. The CFD studies and the reports of its committees and commissions are published from time to time. There are other educative publications too, such as C.T. Daru's Democracy and the Indian Constitution, R.L. Nigam's ABC of Democracy (in Hindi).
47. CFD : Purpose and Programmes, p.14.
48. Ibid., p.14. :
49. Ibid., pp.1-7.
50. The Andhra Pradesh Civil Rights Committee consisted of Sarvshri V.M. Tarkunde, Arun Shourie, Naba Krishna Choudhry, M.V. Ramamurti, Kaloji Narayan Rao, B.G. Verghese, Balwant Reddy, K. Pratap Reddy and K.G. Kannabiran.
51. Tarkunde, et.al., "First Interim Report of Civil Rights Committee on Alleged Naxalite Encounters and Related Evidence" (Hyderabad, 16 May 1977), quoted in Leslie Calman, op.cit., p.91.

Also, "Killings in Guntur : Second Interim Report of Civil Rights Committee", Economic and Political Weekly, 18 June 1977, p.971.
52. Committee members were Sarvshri V.M. Tarkunde, M.R. Masani, P.G. Mavlankar (M.P.), A.G. Noorani, Prof. K.D. Desai and EPW deCosta (Convenor).
53. CFD, Purpose and Programmes, p.4.
54. Ibid., p.4. Electoral Reforms have continued to be the concern of the CFD and have found mention in the Charter of Demands submitted by the CFD, and the Rashtriya Sampoorana Kranti Manch to the Political Parties on the eve of the 1989 elections.
55. Its members were Sarvashri V.M. Tarkunde, M.R. Masani, P.G. Mavlankar (M.P.), Surendra Mohan (M.P.) and Prof. K.D. Desai, Member Secretary.

56. CFD, Purpose and Programmes, p.9. This issue has continued to remain an issue of concern for the CFD and has found mention in the Charter of Demands submitted to Political Parties before the 1989 Elections.

57. When the Janata Government brought out the Prasar Bharati Bill in sharp contrast to the recommendations of the Verghese Committee, the CFD members submitted a memorandum to the Joint Select Committee of Parliament on 14 June 1979, protesting against the provisions of the Bill in so far as they departed from the Verghese Committee Report, Ibid., p.12.

The issue of autonomy of the media found mention in the CFD, Sampoorna Kranti Manch, Charter of Demands to Political Parties on the eve of the 1989 Elections.

58. This request was made to the CFD by some reformist members of the Dawoodi Bohra Community, Ibid., p.11.

The Dawoodi Bohras are a part of the Shia Sect of the Muslim Community whose total population is around 1 million.

59. The Commission consisted of Shri N.P. Nathwani, M.P., Dr. Aloo Dastur, Dr. Alam Khundmiri, Dr. Moin Shakir and Shri C.T. Daru. Shri V.M. Tarkunde was later coopted to the Commission. However Dr Aloo Dastur had to give up her membership because of her appointment to the Minorities Commission of the Government of India. Ibid., p.11.

60. Ibid., p.11

61. "Total Revolution : Concept and Process", PUCL Bulletin, No.55, September 1986, p.12.

62. Ibid., p.12.

63. CFD, Purpose and Programmes, p.8.

64. "Total Revolution : Concept and Process", op.cit., p.13.

65. Ibid., p.13.

66. Ibid., p.15.

67. Activists' Conference organised by PUCL and CFD held on 29-30 December 1981 at Hyderabad.

68. "Total Revolution : Concept and Process", op.cit., Also see Justice Tarkunde's Statement on the Formation of Voters' Councils in Jantantra Samaj, No.9, September 1979, pp.19-22.
69. Ibid., p.14.
70. Members of the team were Bashiruddin Ahmed, Ajit Bhattacharya, B.G. Verghese. It has also participated in other initiatives such as one to oversee the Banka by-election in Bihar.
71. Participants on the Sampoorna Kranti Manch who had been working towards this idea were organisations such as Rashtriya Lok Samiti, Sampoorna Kranti Yuva Sangam, Swarajya Sangam, Samta Yuvjan Sabha, Samta Sanghthana, Samta Andolan, Jan Sangharsh Vahini, Sarva Seva Sangh, Radical Humanist Association, Chattra Yuva Sangharsh Vahini, Gandhi Shanti Pratisthan. See, "Movement for Total Revolution", PUCL Bulletin, November-December 1985, pp.10-11 & 13.
72. Rajni Bakshi, "Sampoorna Kranti Sammelan", Economic and Political Weekly, 1-8 November 1986.
73. These included among others the Chattra Yuva Sangharsh Samiti, Sarva Seva Sangh, Lok Samiti, Samta Yuvjan Sabha and Mazdoor Kisan Samiti. See, Ibid.
74. Bakshi, op.cit.
75. The CFD, in its Annual Conference in Cuttak, in 1988 suggested that political interference in making high judicial appointments for the High and Supreme Courts may be avoided by setting up a high-power committee including 5 senior judges along with the Ministers of Law and Justice and the leader of the Opposition in the Lok Sabha. See Report on Conference.
76. See editorial, "Vyakti Puja Ki Rajneeti", Jantantra Samaj July 1979, Prajantra in March 1980, and in November 1979 an editorial on the Voter's Responsibilities.
77. Editorial Prajantra, Jantantra Samaj, This has been translated from Hindi.
78. CFD Purpose and Programmes, p.15.
79. Report of the Biennial CFD, All India Conference held at New Delhi on 22-23 December 1990.

80. Public meeting by CFD against demolition in Ayodhya, See, CFD Newsletter, 2 January 1993.
81. Bharat Mein Vikaas Ki Samasya, Jantantra Samaj August. 1979, p.15.
82. See Report of the CFD Biennial Conference, 22-23 December, 1990.
83. The Employment Guarantee Scheme of the Maharashtra Government is held out as a partial solution and as a model to other states.
84. CFD has reiterated that nuclear power production is detrimental to environment and human life.
85. In 16-18 February 1986, the Mannu Rakshna Koota (Save Soil Forum) and the Citizens for Democracy collaborated to organise a workshop on "Alternate Development Strategies" in Karnataka. See, S.R. Ramaswamy, "People's Response to Desertification in Karnataka", Lokayan Bulletin, No.4,3/4, 1986, p.68.
86. Government and the Homeless, Jantantra Samaj, March 1982, pp.18-19.
87. For example "Jhuggi Jhopari Ki Samasya Kyon? Kya?" Jantantra Samaj, July 1985.
88. Jantantra Samaj, June 1988.
89. Jantantra Samaj, October 1988.
90. Jantantra Samaj, October 1988.
91. Jantantra Samaj, April 1980.
92. Jantantra Samaj, July 1985.
93. Along with CFD, the other groups are the Mannu Rakshana Koota and Save the Western Ghat Movement. See Jantantra Samaj, February, March, April, 1989.
94. Jantantra Samaj, November 1979.
95. Citizens for Democracy and National Total Revolution Front Demand, See Lokayan Bulletin, 7:6, November-December 1989, p.64.
96. Jantantra Samaj, October 1979
97. See booklet, Electoral Reforms for India, published by Voters' Council and CFD, which is an address delivered by Shri S.L. Shakdher, Chief Election Commissioner, on 26 September 1990 in Delhi.

98. 2nd Demand
99. 3rd Demand
100. 4th Demand
101. 9th Demand
102. 14th Demand
103. 11th Demand
104. 6th Demand
105. 1st Demand
106. 10th Demand
107. 8th Demand
108. 7th Demand
109. 5th Demand
110. Jantantra Samaj, May 1982.
111. See, "CFD Report on Arwal Massacre" by a two member team, PUCL Bulletin, No.53, July 1986, pp.10-13.
112. See, Report "Jantantra Samaj Jail Sudhar Mein Gatisheel" in Jantantra Samaj, August 1979, p.22.
113. See, Report All-India Conference of the CFD held at Cuttack in July 1988, in Jantantra Samaj, 1988, pp.9-15. The protest of the CFD, Bihar unit is reported in Jantantra Samaj, June 1988, pp.8-9.
114. CFD made a report on the issue in the Deccan Herald of 28 and 29 October 1988.
115. See, Report of All-India Conference of the CFD, 23 July 1988.
116. This book was authored by Amiya Rao, Sunil Bhattacharya, Aurobindo Ghose, Tejinder Singh and N.D. Pancholi, Justice Tarkunde wrote the Foreword. The Book released on 9 September 1985, was banned the next day. Its publisher and printer were arrested and subsequently bailed. See, "Judiciary is not a Rubber Stamp", PUCL Bulletin, Nos.45 & 46, November, December, 1985, pp.4-7.
117. Members of the team were Justice Tarkunde, Sulochna Shikhare, Tejinder Singh Ahuja. This has been

- reported in the PUCL Bulletin. See, V.M. Tarkunde, "Police Violence in Punjab", PUCL Bulletin, No.86, May 1989, pp.7-9 and "Punjab : CFD Report" in PUCL Bulletin, No.92, November 1989, pp. 7-9.
118. Other Organisations were the PUCL, the Radical Humanist Association and the Manav Ekta Abhiyan. The report was entitled "Report on Human Rights Situation in the Kashmir Valley", 20-25 May 1992.
 119. It has so far submitted six periodic reports and held a two-day seminar on the issue and organised a rally. See, Coordination Committee on Kashmir : Summary of Report, 26-30 October 1992.
 120. Report on Human Rights Situation in Kashmir Valley, 20-25 May 1992, authored by Justice V.M. Tarkunde, Balraj Puri, Sulochana Shikhare and N.N. Pancholi, brought out by the Coordination Committee on Kashmir.
 121. The editorial of the PUCL Bulletin, No.110 of May 1991 entitled "A Shameful Act" criticised this reported incident of mass rape of 23 women at Kunan Poshpara, a village in the district of Kupwara.
 122. See, "Outraging the Truth : A Report of the Press Council of India on the Kunan Poshpara Incident", Hindustan Times, 21 July 1991.
 123. The issues arising from the Kashmir Report of April 1990 (which criticised, among other things, para-military excesses), and from the protest of civil liberties groups against the reported gang-rape at Kupwara, the subsequent clearing of the army, and the response of the civil liberties groups to the report of the Press Council has been discussed in articles in the PUCL Bulletin. See Editorial "Kashmir and Human Rights", PUCL Bulletin, June 1990, Editorial PUCL Bulletin, No.110, of May 1991 entitled "A Shameful Act", Editorial, PUCL Bulletin, "Growing Intolerance", PUCL Bulletin, No.113, August 1991 and "Kashmir : A Crisis and Credibility", PUCL Bulletin, No.114, September 1991, pp.2 & 12.
 124. Constitution of the People's Union for Civil Liberties, as amended upto 1 February 1987.
 125. Constitution of PUCL, p.1.
 126. Ibid., p.1.
 127. Ibid., p.1.

128. Aswini K. Ray, "Civil Rights Movement and Social Struggle in India", Economic and Political Weekly (Bombay), op.cit., p.1202-1206
 129. Constitution of PUDR, p.2.
 130. However, from time to time they have had criticism as being 'foreign-funded', 'foreign-hand' or even 'CIA agents'. See, "PUCL, PUDR are CIA Agents", PUCL Bulletin, August 1985, No.42, p.17.
 131. Gobind. Mukhoty comments, "Throughout India's independent history taking advantages of extraordinary Articles of the Constitution, the rulers, in the Union as well as the States, have passed various Acts, curtailing civil liberties completely. Innumerable such Acts and Ordinances have been passed, e.g., the P.D. Act (1950), the Defence of India Rules (1962), West Bengal Prevention of Foreign Activities Act 1970, Maintenance of Internal Security Act 1971 (placed in the 9th Schedule, the Sanctum Sanctorum of the Indian Constitution), Preventive Detention Acts and Ordinances in Jammu & Kashmir, Madhya Pradesh, Bihar, Andhra Pradesh, Gujarat and recently Maharashtra. On 22 September 1980, the President has promulgated the National Security Ordinance ostensibly to detain any person to prevent him from acting against the defence or security of the country. Its scope of mischief according to Preventive Detention Act watchers is much wider than that of the dreaded MISA.....". See Gobind Mukhoty, "Indian Constitution and Civil Liberties", in A.K. Desai, ed., Violation of Democratic Rights in India, Vol.1, (Bombay: Popular Prakashan, 1986), p.81
- Mukhoty has earlier served as President of the People's Union of Democratic Rights.
132. This ordinance had some extremely illiberal features. Comments Mukhoty, "... under section 8(2) the authorities did not have to give the ground of detention to the person detained on the plea that such disclosure was against public interest; and under section 14(2) the revocation or expiry of the detention order did not bar the making of a fresh detention order against the same person when 'fresh' facts had arisen after the date of revocation or expiry". Ibid., p.81.
 133. Are you a Terrorist? PUDR, July, 1984. Mohan Ram makes the same point: "Likewise the Maintenance of the Internal Security Act, passed by the Parliament on the firm assurance by the government

that it would not be used to suppress legitimate struggles of the people and was needed to meet the situation created by an external factor (Bangla Desh crisis), was used as the main instrument of the Emergency". Mohan Ram, "Civil Rights Situation in India", A.R. Desai, ed., Violation of Democratic Rights in India, op.cit., p.94.

134. "Are You A Terrorist?", PUDR (Delhi), July 1984.
135. "A Citizen's Guide to Rajiv Gandhi's India", PUDR (Delhi), May 1988, p.2.
136. See, "Black Laws 1984-85", PUCL (Delhi), June 1985. Included are V.M. Tarkunde, "A Draconian Legislation", pp.6 & 7, and S. Sahay, "Grabbing More and More Powers", pp.8 & 9.
137. "Are You A Terrorist?", PUDR (Delhi), July 1984.
138. "A Citizen's Guide to Rajiv Gandhi's India", PUDR (Delhi), May 1988.
139. "The Terrorist and Disruptionist Activities (Prevention) Act 1985 seeks to :
 - a. provide for deterrent punishments for terrorist acts and disruptive activities;
 - b. confer on the Central Government adequate powers to make such rules as may be necessary and expedient for the prevention of, and for coping with, terrorist acts and disruptive activities;
 - c. provide for the constitution of Designated Courts for the speedy and expeditious trials of offences under the proposed legislation

From the statement of Objects and Reasons of the Terrorist and Disruptive Activities (Prevention) Act 1985. Quoted in "Blacklaws", PUCL (Delhi), op.cit, p.10.
140. The Report, "Black-Laws 1984-85", of PUCL, of June 1985 is a republication of an older Report by the same name. This has enabled them to include the newer legislation of 1985. The earlier report covered not only the texts of the ordinances of 1984, but also an entire report of the PUDR "Black-Laws and the People : An enquiry into the functioning of the 1984 Black-Laws in Punjab". Also, included are extracts from the Rowlatt Act, and Gandhi's letter on the Rowlatt Bills.

141. Promulgated on 14 July, 1984.
142. The National Security (second Amendment) Ordinance, 1984, No.6 of 1984. "Black Laws 1984-85", PUCL (Delhi), June 1985.
143. This is now 5A of the National Security Act, inserted by NSA (second Amendment) Act, 1984. Ibid.
144. This change has been made in 14(2) of the National Security Act, by the NSA (second Amendment) Act, 1984, Ibid.
145. Sumanta Bannerjee, "Colonial Laws - Continuity and Innovations", - in A.R. Desai, ed., Expanding Governmental Lawlessness and Organised Struggle (Bombay, Popular Prakashan, 1991), pp.233-234. Sumanta Bannerjee is associated with the People's Union of Democratic Rights.
146. PUCL has discussed it "Black Laws", op.cit., and PUDR in "Citizen's Guide ...". op.cit.
147. Sumanta Bannerjee comments : "The Terrorist Affected Areas (Special Courts) Act passed by the Indian Parliament recently, not only carries on the infamous tradition of the Rowlatt Act, and the Bengal Suppression of Terrorist Outrages Act and a host of similar legislations enacted in India during the British regime, but has also chiselled the repressive provisions in such a manner as to plug the loopholes that might have been left in the older Acts". Bannerjee, Ibid., p.226.
148. See, "Manipur II : The 'Armed Forces (Special Powers) Act, 1958", in PUCL Bulletin, No.89, August 1989, p.17.
149. See, "Disturbed Areas : The Roots of Violence in Nagaland, Mizoram and Andhra Pradesh", A report of PUDR (Delhi), published in A.R. Desai, ed., Violations of Democratic ..., op.cit., p.562. Also see, "Manipur : The Dinam Issue", PUCL Bulletin, No.84, March 1989, pp. 4-6 & 9, and "Manipur I : The Assam Rifles Case" and "Manipur II : The Armed Forces (Special Powers) Act, 1959", in PUCL Bulletin, No. 89, August 1989, pp. 15-16 and pp. 17-18.
150. "Endless War", PUDR (Delhi) (undated), in A.R. Desai, Ibid., pp.610-620.
151. In Punjab it came into application in 1985. See, "Manipur II, The Armed Forces (Special Powers) Act,

1958, and in PUCL Bulletin, No.89, August 1984, p.17.

152. In Jammu and Kashmir the Armed Forces (Special Power Act) was imposed in August 1990.
153. In Assam the "Armed Forces are operating under the provision of the two acts namely, the Assam Disturbed Areas Act, 1955 and the Armed Forces (Special Powers) Act 1958 (as Amended in 1972) Act", in "Human Rights Violations in Assam : Operation Rhino 1991", A Report by Manav Adhikar Sangram Samiti. See, PUCL Bulletin, No.119, February 1992.
154. In the North-East the Act extends to all the seven States of the North-East : Assam, Manipur, Nagaland, Meghalaya, Tripura, Mizoram and Arunachal Pradesh. See, "Manipur II : The Armed Forces (Special Powers) Act, 1958", in PUCL Bulletin, No.89, August 1989, p.17.
155. See, "Disturbed Areas : The Root of Repression ...", Report PUDR (Delhi), in A.R. Desai, ed., Violations of op.cit., pp.569-570.
156. Ibid., pp.610-619.
157. Ibid., p.584.

Note a small item in a report "Godavari Agency : On the Repression Against Tribals in Andhra Pradesh", PUDR (Delhi), August 1987, which states, "A petition filed by the PUDR challenging the constitutional validity of the Act is pending before the Supreme Court for almost a decade now."
158. "Manipur : The Dinam Issue", PUCL Bulletin, No.84, March 1989, pp.4-6 & 9. Also see "Army Atrocities in the Naga Areas", PUDR (Delhi), 1987.
159. The lawyers are Nandita Haksar and Kotishwar Singh.
160. See "Godavari Agency : On Repression Against Tribals in Andhra Pradesh", PUDR (Delhi), August 1987 and "Report of Indian People's Human Rights Tribunal on the Chintapalli Arson Case", IPHRC Publication, Vishakapatnam, 18 October, 1988.
161. "Mr Clean's Black Bill", PUDR (Delhi), and "Samvidhan Ka 59 Sanshodhan : Tanashahee Ka Ek Shadiyantra", PUCL (Bihar), 1988.
162. "Mr Clean's Black Bill", PUDR (Delhi).

163. PUCL filed a writ petition in the Supreme Court challenging the 59 Amendment. See PUCL Bulletin, Vol.VIII, No.6, June 1988.

164. The Ordinance on "Terrorist Affected Areas (Special Courts) Ordinance was passed on 14 July 1984, ten days before the Parliament was due to meet. See "Black Laws", PUCL, op.cit., p.61.

Similarly, barely 23 days before a Session of Parliament, the government (on 27 July 1981) issued an Ordinance banning strikes. See "Strike-Ban Ordinance : A Lawless Law", in A.R. Desai, ed., "Violation of Democratic ...", op.cit., p.102.

165. The term "encounter" has been termed "a unique contribution of the police in India to the vocabulary of human rights". See PUCL Bulletin, March-April 1982, p.9.

166. "Civil Rights under NTR Regime", PUDR (Delhi), September 1989, p.4 and also "Press, Para-military and People", PUDR (Delhi), 1992.

167. "Civil Rights under NTR Regime", PUDR (Delhi), September 1989, p.3.

It may be relevant to quote from "Press, Paramilitary and the People, PUDR (Delhi), 1991, that encounter deaths which were 51 in 1989, 19 in 1990, increased to 106 in 1992. These figures are compiled by the Andhra Pradesh Civil Liberties Committee.

168. Dalip S. Swamy, "Encounter-Killings as Dacoits", PUCL Bulletin, No.47, January 1986, pp.4-8 and No.48, February 1986, pp.11-16.

169. "Report of the Fact Finding Group of the Democratic Women's Association Madras : Police Attack Fisherfolk", PUCL Bulletin, No.4, February 1986.

170. PUCL Bulletin, No.66.

171. PUCL Bulletin, No.92.

172. For documentation of police atrocities in Andhra Pradesh, Karnataka, Madhya Pradesh, Assam, Bengal, Rajasthan and Delhi, compiled by a variety of civil liberty activist individuals and civil liberty groups. See, A.R. Desai, op.cit., pp.262-271 and pp.283-293. Some Reports of the PUCL and PUDR are also included in this.

173. Invisible Crimes : A Report on Custodial Deaths 1980-89", PUDR, (Delhi) October 1989; "Civil Rights under the NTR Regime", PUDR (Delhi), 1989; "A Death in Our Times", PUDR (Delhi), December 1991; "Yet Another Death in Police Custody", PUDR (Delhi), February 1991; "A 'Viral' Death in Custody", PUDR (Delhi), October 1991; "Custodial Death at Preet Vihar", PUDR (Delhi); November 1991; "Death via Custody", PUDR (Delhi), December 1991; "A Theft and a Sentence : Murder in Patel Nagar Police Station", PUDR (Delhi), August 1991.
174. PUCL Bulletin, No.68, November 1982, pp.4-10.
175. PUCL Bulletin, No.49, March 1986, pp.23-24.
176. PUCL Bulletin, No.79, October 1988, pp.20-24.
177. "Invisible Crimes : A Report on Custodial Deaths", PUDR (Delhi), October 1989, p.2.
178. Ibid., p.10.
179. See, "The Banjhi Massacre : Police Killing of 15 Adivasis on 19 April 1985", PUCL (Bihar), not dated.
180. 21 people were reported to have died. See, "Report of the Indian People's Human Rights Tribunal Report on the Arwal Massacre", IPHRC Publication (Delhi), 30 July 1987.
181. "Godavari Agency : On Repression Against Tribals", PUDR (Delhi), 1987. Also see "Report of the Indian People's Human Rights Tribunal Report on the Chintapalli Arson Case", IPHRC (Vishakapatnam), October 1988.
182. Some others randomly chosen are : "Police Firing at Budge-Budge", PUCL (Calcutta); "Gentlemen Farmers of the Terai : A Report on the Struggle for Land and State Repression in Nainital", PUDR (Delhi), 1989; "Bastar : Ek Mutbhed Ki Jaanch", PUCL (Madhya Pradesh), CPDR (Nagpur), PUDR (Delhi), June 1985.
183. "Bheeta Mati : A Report on Baliapal Missile Base and People's Struggle", PUDR (Delhi), 1988.
184. "And Quiet Flows the Ganga", PUDR (Delhi), 1983.
185. Bastar : Development and Democracy,, PUCL (Madhya Pradesh), 1989, p.5.
186. Ibid., p.5.

187. "Environmental Impact of Mining - A General Note", A paper at Mines, Mechanisation and People : III Annual Convention of the PUDR (Delhi), November 1983, p.i.
188. Ibid., p.ii.
189. "The Undeclared Civil War : A Critique of the Forest Policy", PUCL (Delhi), April 1982, p.18.
190. This reference is to the iron ore mines which began functioning in 1968. See, "Bastar : Development and Democracy", PUCL (Madhya Pradesh), April 1989, p.5.
191. Ibid., p.5.
192. Undeclared Civil War : A Critique of the Forest Policy", PUDR (Delhi), April 1982.
193. The recognition of the traditional dependence of the forest people on the forests is being systematically reduced. Whereas in 1865, the Government Forest Act spoke of the existing rights of the communities, the India's Forest Act, 1927 referred to rights and privileges of persons, the 1952 forest policy spoke of rights and concessions. See, Ibid., pp.4-7.
194. Ibid., p.5. Also, "In general all these so-called afforestation programmes aim at satisfying the paper, resin and wood industries at the cost of forest produce necessary for the local population", p.26.
195. The PUDR report points out, "While the commercial needs of private interests have been held as the 'inevitable requirements of the development process', the meagre food and shelter requirements of the tribals have been treated as the chief reason for the destruction of forests", Ibid., p.3.
196. States the Bastar Report of the PUCL (Madhya Pradesh), "But having been left with no other option, they 'encroach' upon the forest, bringing it under cultivation with the help of their axes, or they just go hunting in the lean seasons". "Bastar : Development and Democracy", op.cit., p.3.
197. When government declares cultivable land as forests, when government prohibits the collection of forest produce, and makes laws to this effect- these kinds of acts prohibited by law do not actually prevent the people from indulging in them. Instead the law becomes an instrument of

corruption, harassment and intimidation for the forest officials. See, Ibid., p.13.

198. "Gentlemen Farmers of the Terai : A Report on the Struggle for Land and State Repression in Nainital", PUDR (Delhi), June 1989, pp.8-9.

199. "The Banjhi Massacre : Police Killing of 15 Adivasis", PUCL (Madhya Pradesh), p.3.

200. In the PUDR Report, "Terror in Jehanabad", of April 1989, political killings in Bihar between January 1980 - June 1983 are fixed at 185; between January 1984 - April 1986 at 180; between May 1986 - January 1988 at 113. See page 28.

A PUDR Report, "Bitter Harest", of August 1992 fixes the number of those killed by police to 34, to those killed by private militia at 113, and those killed by peasant movement at 44 in the six months period between January 1992 to June 1992. This list is a compilation from newspaper reports and does not claim to be comprehensive, however the reports do indicate to the level of violence in Bihar. Also see, "Violence in Bihar", An Investigative Report of the Bihar, PUCL Bulletin, No.100, July 1990, pp.47-73.

201. Some of the Senas are Bhumi Sena (of the Kurmis in Patna and Gaya), Bhumi Brahmarshi Sena (of the Bhumihars in Gaya), the Kuwar Sena of the Rajputs, the Lorik Sena of the Yadavs, Rajput Sena in Palamau, and the Sunlight Sena also in Palamau. There is the Khetriya Kisan March of Nalanda and the Pragatisheel Kisan Sangh of Bhojpur.

202. Some of the Reports are, "And Quiet Flows the Ganga", PUDR (Delhi), September 1983; "Behind the Bihar Killings : A Report on Patna, Gaya and Singhbhum", PUDR (Delhi), 1986; "Terror at Jehanabad", PUDR (Delhi), April 1989; "Koel Ke Kinare : Agrarian Conflict in Palamu Plains", PUDR (Delhi), April 1990; "Bitter Harvest : The Roots of Massacre in Central Bihar", PUDR (Delhi), 1992.

203. See PUDR Reports, "And Quiet Flows the Ganga", op.cit., and "Bitter Harvest : The Roots of Violence in Central Bihar", op.cit..

204. "Even clear cases of organised labourers getting killed by their landlords are described merely as 'atrocities on Harijans', Unfortunately even the media helps this process by its distorted reporting. "And Quiet Flows the Ganga", op.cit., p.5

205. Ibid., p.14.

206. The mass organisations are the Jan Suraksha Sangharsh Manch (JSSM) and Krantikari Kisan Sangathan (KKS) associated with the Maoist Communist Centre (MCC), the Mazdoor Kisan Mukti Morcha (MKMM) and the Lok Sangram Morcha (LSM) affiliated to the CPI (ML) Party Unit; and Bihar Pradesh Kisan Sabha and the Indian People's Front (IPF), which is affiliated with the CPI (ML) Liberation. (The MKMM is the resurrected form of the Mazdoor Kisan Sangram Samiti (MKSS) which was banned following the Arwal Carnage in 1986. See Bitter Harvest, PUDR, 1992, p.15.

207. Gair Mazarua land technically belongs to the government. It is land for community use for purposes such as grazing, collecting fodder and holding temporary markets, etc. However, powerful erst while zamindars had been able to acquire defacto control of tracts of common land and had often leased them out. The administration had in the face of the power of the landlords as well as some litigation, been unable to recover or redistribute this land. See, "Bitter Harvest", op.cit., 1992, p.10.

208. "And Quiet Flows the Ganga", PUDR, op.cit., p.18.

209. Restless Frontiers "Army, Assam and Its People", PUDR (Delhi), May 1991.

210. In most cases, the perspective is pro-poor and sympathetic. It may be suggested that their's is a "subaltern" perspective.

211. "Bastar : Development and Democracy", PUCL (Madhya Pradesh), 1989, p.6.

212. See, PUDR Reports on Bihar. Also, "Bastar : Development and Democracy", PUCL (Madhya Pradesh), 1989; "Bastar : Ek Mutbhed Ke Jaanch", June 1985, PUCL (Madhya Pradesh), CPDR (Nagpur), PUDR (Delhi) and "Koel Ke Kinare", PUDR (Delhi), 1990.

213. See, "Koel Ke Kinare", PUDR (Delhi), 1990; And "Disturbed Areas : Roots of Repression in Nagaland, Mizoram and Andhra Pradesh", PUDR Report (undated) in A.R. Desai, ed., "Violations of Democratic Rights", op.cit., pp.569-609.

214. See, Report on "Banjhi Massacre", PUCL (Bihar) (undated) and "Disturbed Areas", Ibid.

215. Ibid.. Also see, A.P. : Press, Paramilitary and People PUDR (Delhi), 1992.
216. See Reports on Bihar of the PUDR "Bastar : Development and Democracy", op.cit., "Disturbed Areas", in A.R. Desai, ed., "Violations of", op.cit..
217. "Banjhi Massacres", op.cit..
218. "Undeclared Civil War", PUDR (Delhi), 1982, "Bastar : Development", op.cit., and "The Story of Hadimatiya", PUDR (Delhi), 1991.
219. See Reports of PUCL and PUDR on Bihar, "A.P. : Press, Paramilitary and People", PUDR (Delhi), January 1992 and K.G. Kannabiran, "Who are the Real 'Extremists?', Indian Express (New Delhi), 11 December 1983.
220. Ibid..
221. See, "Press Paramilitary and People", PUDR (Delhi), 1992.
222. See, "Story of Hadimatiya...", PUDR (Delhi), 1992.
223. See, "Bastar : Development and Democracy", PUCL (Madhya Pradesh), 1989.
224. "Inside the Family : A Report on Democratic Rights on Women", PUDR (Delhi 1984).
225. PUCL Bulletin, Nos.64 & 65, July & August 1987
226. PUCL Bulletin, Nos.70-75, January-June 1978. The Justice Iyer Committee Report even formulated a special code and proposed that the police should avoid arresting and detaining women as far as possible because of their vulnerability and special role in the family. Women prisoners today constitute only 2.6 per cent of the total prison population and the code suggests that simple imprisonment, which accounts for 95 per cent of the convictions against women should be abolished. Further, no sentence under three month duration should be imposed upon women and female detenus should be guarded by female police officers. Every State should have at least one separate prison for women, it was stressed.

It is relevant to note that the PUCL carried the Report of the Mulla Committee on Jail Reforms. See, PUCL Bulletin, July-November 1983, pp.5-13.

227. "Amnesty International - The Case of Gunta Behn" PUCL Bulletin, No.78, September 1988, pp.5-8.
228. See Editorial, "Equal Rights at Stake; Upendra Baxi, "A Fraud on the Constitution"; V.R. Krishna Iyer, "Violative of Human Rights" PUCL Bulletin, No.49, March 1986, pp.3-9.
229. V.T. Padmanabhan, "The Gas Chamber on the Chambal", PUCL (Madhya Pradesh) July 1983.
230. "Death in Ranchi Mental Asylum : Report of a Fact Finding Team", PUCL (Bihar), 1984.
231. "Disputed Passages : A Report on Law, Reservation and Agitations", PUDR (Delhi), December 1990.
232. H.M. Seervai in PUCL Bulletin, No.79, October 1988.
233. PUCL Bulletin, No.72, March 1988.
234. Sarika Misra, in PUCL Bulletin, No.65, August 1987.
235. "India 1984 : Human Rights", PUCL Bulletin, No.47, 1984. "Amnesty International : Deaths in Police Custody", PUCL Bulletin, No.50, 1986; "Amnesty International Report", March 1992, PUCL Bulletin, No.122, May 1990.
236. "The Postal Bill : Right to Free Communication", PUCL Bulletin, No.62, pp.4-6.
237. "Draft Bill on Domestic Workers", PUCL Bulletin, No.90, September 1989, p.15 and No.91, October 1989, pp.15-17.
238. "Bastar : Development and Democracy", PUCL (Madhya Pradesh), 1989.
239. "The Undeclared Civil War : A Critique of the Government's Forest Policy", PUDR (Delhi), April 1982.
240. "And Quiet Flows the Ganga", PUDR (Delhi), September, 1983.
241. Ibid. Also the PUCL with its monthly Bulletin (and earlier the Jantantra Samaj of the CFD), has made a major contribution in the dissemination of information about civil liberties denials.
242. "Bastar : Development and Democracy", op.cit., p.21.
243. Ibid., p.25.

244. Ibid., p.18.
245. "Total Revolution : Concept and Process", Draft approved by the Preparatory Committee for the All-India Conference on Total Revolution to be held in Bodh Gaya on October 2-4, 1986, PUCL Bulletin, No.55, September 1986, p.13.
246. See, PUCL Bulletin, No.34, July 1984, p.1.
247. "Anonymous Struggles", PUDR (Delhi), 1984.
248. See the question raised by the CFD, for example, "Jhuggi-Jhonpri Ki Samasya Kyon? Kya?", Jantantra Samaj, No.79, July 1985, p.7. And, "Jasola Vihar : Demolitions in South Delhi", PUDR (Delhi), August 1979; "Shelter and Development - National Policy and International Commitments", PUCL Bulletin, No.118, January 1992, pp.5-7; "The Shunned and the Shunted", PUCL Bulletin, No.28, January 1984, pp.5-16. The Bombay PUCL had petitioned the Supreme Court against the eviction of pavement-dwellers by the authorities. It argued for policies which would ensure an adequate supply of basic shelter in a planned manner which would then preclude the possibility of vast numbers of people having to devise their own shelter problems.
249. "Who are the Guilty? : Report of a Joint Inquiry into the Causes and Impact of the Riots in Delhi from 31 October to 10 November 1984", PUDR & PUCL (Delhi), 1984.
250. "Justice Denied : A Critique of the Mishra Commission Report on the Riots in November 1984", PUDR & PUCL (Delhi), April 1987.
251. "1984 Carnage in Delhi : A Report on the Aftermath", PUDR (Delhi), November 1992.
252. See discussion on CFD.
253. See, "Justice Denied", op.cit.
254. The R.N. Mishra Committee gave rise to the Ahooja Committee (to estimate numbers killed in the carnage) and the A.K. Bannerji-M.L. Jain Committee (to recommend registration and monitor investigation of cases) and the Dalip Kumar Kapur and Kusum Lata Mittal Committee (to probe the conduct of the police). The Mishra Commission had found 19 Congressmen guilty. However cases have been initiated in a few instances and are tied in the labyrinth of procedure. The Mittal Committee

made recommendations for action against some police officials. However indicted officials have obtained a stay order.

255. "The Other Face of the ASIAD 1982", PUDR (New Delhi), 1982.
256. People's Union for Democratic Rights Vs Union of India (1982), 3, SCC, 235.
257. Upendra Baxi points out that the term "public interest" litigation is copied from America which has a background related to civic participation in governmental decision-making. In India, in the backdrop of the task of opposing governmental might and upholding the rights of the poor, the term "social action litigation" is more relevant. See, article, "Taking Suffering Seriously : Social Action Litigation in the Supreme Court of India", IV Annual Convention of the People's Union for Democratic Rights, September 21, 1985, pp.2-3.
258. The doctrine of locus standi was inherited from the Anglo Saxon system of jurisprudence. This doctrine requires that only the person who has suffered a legal wrong or legal injury can go to court for redress and no one else can file for action on his behalf.
259. Gobind Mukhoty, "Public Interest Litigation : A Silent Revolution", Fourth Annual Convention of the People's Union for Democratic Rights, September 21, 1985, p.5.
260. In "Tall Chimney, Dark Shadows", PUDR (Delhi), June 1991, the limitations of the locus standi are hinted at. "The locus standi too is currently proving more useful as an instrument of inter-corporate rivalry than for people's struggles", See inside back cover.
261. See Report of the Convention of the PUDR on Mass Organisations and Democratic Struggle, September 21, 1985.
262. From the Report, "Tall Chimneys Dark Shadows : A Report on the Lives and Struggles of Workers in Bhilai", PUDR (Delhi), June 1991, back cover page.
263. "PUDR and another versus Commissioner of Police, Delhi, Criminal Writ Petition Nos.401 and 402", See "Waiting and Waging : A Tale of Life Death and Justice", PUDR (Delhi), June 1989.
264. See, "Godavari Agency". op.cit., PUDR.

265. PUCL Bulletin, No.89, August 1989, p.4.
266. Kotishwar Singh is an Organising Secretary of the PUCL, and Nandita Haksar is affiliated to the PUDR.
267. See, PUCL Bulletin, No.111, June 1991, p.6
268. Article 5(2) states that on the occurrence of any public emergency, or in the interest of public safety, the Central Government or a State Government may, if satisfied that it is necessary or expedient to do so direct that any message to or from any person or any class of persons, or relating to any particular subject, brought for transmission by, or transmitted, or received by telegraph, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the government making the order", See, "Phone Tapping". PUCL Bulletin, No.109, pp.4-5 & 13.
269. These reiterated the rights of the undertrial such as application for bail, information to family or friends about arrest, information to the legal-aid committee for free legal aid, separate lock-ups for women and interrogation in presence of women police officers. The judgement directed specially nominated city sessions judges to make periodic visits to the lock up. It also directed magistrates to specifically inquire from arrested persons about any torture or maltreatment. "Important Supreme Court Directive on Undertrial Prisoners", PUCL Bulletin, No.62, May 1987, pp.6-7 and "Excepts from the Judgement of Justice Bhagwati", PUCL Bulletin, No.65, August 1987, pp.10-11.
270. "Significant Court Judgement", PUCL Bulletin, No.114, September 1991, p.6.
271. "PUCL efforts bear fruit in Slum Dwellers Case", PUCL Bulletin, No.120, March 1992, p.22, and B.Kanungo, "Forcible Eviction of Slum Dwellers", PUCL Bulletin, August 1992, No.125, p.17.
272. Rajinder Sachar, "Detention Without Fair Trial", PUCL Bulletin, No.109, April 1991, p.15.
273. P.A. Sebastian, "The Shifting Modalities of Struggle - The Setting up of the Human Rights Tribunal", in A.R. Desai, ed., Expanding Governmental Lawlessness and Organised Struggles, op.cit., p.315.
274. Ibid., p.315.

275. The Commission consists of eminent men from all over the country - Mrinal Sen, Rajni Kothari, Justice V.M. Tarkunde, A.R. Desai, Romilla Thapar. The Tribunal has nine judges mostly ex-judges of the High Court and Supreme Courts., Sebastian, op.cit., pp.312-316.
276. See "Report of the Indian People's Human Rights Tribunal on Arwal Massacre", IPHRC Publication, 30 July 1987, p.80.
277. "Report of the Indian People's Human Rights Tribunal on Meerut Riots", IPHRC (Meerut), 18 May 1989, pp.16-17.
278. "Report of Indian People's Human Rights Tribunal on the Chintapalli Arson Case", IPHRC Publication (Vishakapatnam), October 1988, p.19.
279. Ibid., p.18.

CHAPTER IV

ORGANISING AROUND WOMEN'S CONCERNS : A HISTORICAL PERSPECTIVE

In order to understand the dominant issues the voluntary organisations concerned with women are upholding today, it will be necessary to take a brief overview of the concerns and issues which earlier women's voluntary agencies had upheld. This historical exercise will enable us to view the interlinkages between the dominant women's issues and the other salient movements and events of the period. We will be able to understand how the women's position in India was influenced by the Social Reform Movement of the nineteenth century, the Indian National Movement as well as the other movements, embryonic but significant, of the day such as the environment and ecology movement and the civil liberties and democratic rights movement.

It may be useful to trace the salient issues raised by the votaries of change of women's status in India, by outlining three separate time-spans or phases i.e., (i) the pre-independence phase; (ii) the post-independence phase upto 1975; and (iii) the post 1975 phase, or the period following the International Women's Year of the United Nations.

In the pre-independence phase, women's issues were touched by two important influences - the Social Reform Movement and the Indian National Movement. It may be important to examine each in order to discover the far-reaching changes they were able to bring into the life of the Indian woman.

There had been an impetus towards change at the initiative of social reformers belonging to the Brahmo Samaj, the Prarthana Samaj who spoke against prevailing customs like sati, female infanticide, prohibitions against widow marriage, all of which were seen as detrimental to the status of women. These social reformers were largely, "male intellectuals and crusaders",¹ who had been exposed to western education, society and values. Thus in 1829 Raja Ram Mohan Roy succeeded in pressurizing the British to ban sati. Ishwar Chand Vidyasagar drew up a petition on the marriage of Hindu widows and campaigned against child marriage. Age of consent for marriage was fixed at 10 and then raised to 12 years. There was denunciation of purdah and polygamy, and a move towards securing property rights for women.²

The importance of these reformers was that they were able to provide the first public space for women, and create through their unflagging campaigns, a climate

for "the idea of uplifting women in spite of an orthodox Brahmanic backlash".³

However, this movement towards an improved status of women came as "a part of a larger concern for reform within Indian society".⁴ The motivation for reform did not spring from any consciousness of women's well-being, or the necessity of the equality of her position in society. It was obscurantism and custom which the reforms were fighting. They were imbued with the anxiety of removing from the Indian society, these blots.⁵ - Says Mazumdar :

"There were only a few reformers who went beyond the need to imitate the West".⁶

The Reform Movement, also laid a great emphasis on women's education.⁷ However, the rationale for this was seen in the "strengthening the hold of indigenous culture through the institution of the family".⁸

There was a concern that exposure of men to education and western influences was widening the gulf between spouses, and reducing the ability of women to influence the men of their family. Education would be the means to narrow this mental gap. It would promote women's efficiency as wives and mothers and would also strengthen the hold of traditional values in society. Thus education was not being viewed in the light of its transformative capacity for increasing consciousness.

This narrow perception of the women's concerns also served to limit the transformative capacity of the reform movement tending it towards being largely concerned with the problems faced by middle class women and therefore limited in scope. Says Mazumdar :

The 19 century reformers being primarily concerned with the problems of the newly emerging middleclass, and concentrated all their concerns for women with the problems experienced by the women of this class.⁹

This limited perspective has been criticised. Its influence as a change-agent for women was limited in scope. It was not able to take cognisance of the plurality of the economic classes, the diversity of the problems of Indian womanhood, the consequence of overlap between social subordination and economic depression and the special nature of oppression of a patriarchal environment.

The Towards Equality Report feels that these movements were "elitist in character and limited in approach".¹⁰

Thus while contributing in improving the living conditions of a category of women, they left the larger populace untouched.¹¹

Vina Mazumdar states :

The greatest failure of the reform movement lay in its inability to expose the nature of oppression that affected women in different layers of our society and consequently to set any goals that

would be meaningful to all women and those who believed in their cause.¹²

But some gains definitely emanated from the Reform Movement. The Report, Towards Equality (1974), points out the impact of the Movement on Indian society. It states :

Some of the ideas projected by them, namely disapproval of child marriage and ill-treatment of women within the family, ensuring them a position of greater dignity, have become part of the general cultural heritage of this sector of Indian society.¹³

Impact of the National Movements

During the National Movement, the issues of women's rights and transformation in status was closely intermeshed with the Movement for Indian independence. Each influenced the other. While the objective of independence was by far the higher and more comprehensive ideal, women too as half the population had to be carried along in the fulfilment of the first objective. The consequence was a distinct influence in the consciousness of women.

The leadership of Gandhi was an eventuality which which was to greatly influence the role and perception of women. It is said that Gandhi :

... gave Indian women's movement its particular character and helped it to move from upliftment to the second phase of demanding equality. Gandhi ... made the vital shift from the reformist tradition

which saw women as objects of reform, to projecting them as agents of transformation - their own and the nation's.¹⁴

Gandhiji was able to draw women into the freedom struggle, and his philosophy could bridge the dichotomy between home and society.

Geraldine Forbes states that Gandhi maintained that the relationship between freedom from British domination, and a social and moral regeneration was "germane".¹⁵ Gandhi saw women's role in this regeneration as important. He made women a part of the national struggle, by on the one hand urging them to "come out" and join the struggle, and on the other by insisting that constructive activity like spinning khadi, wearing khadi, teaching and 'serving' were as important as attending meetings.¹⁶

Women were brought into active participation. This helped to reduce social shackles, promote greater awareness. Forbes points out :

Through the involvement of women in picketing and demonstrations, two things happened. Women themselves realised that they were not as weak and helpless as they had come to believe and the men developed a new respect for their strength and ability to suffer.¹⁷

Patel and Bakshi point out to women's participation in other movements of the pre-independence period such as the Tehbhaga movement, the Telengana Movement, and in the terroist groups during the national movement, as

well as in Subhash Bose's Indian National Army. The prime consequence of this participation for women was that they were radicalised and politicised.¹⁸

In the early years of the twentieth century there was a growth of a large number of women's organisations. Among the many other sabhas, samities, clubs and societies with a limited regional focus, this period also saw the advent of two all-India organisations for women, i.e., the National Council of Women in India (1925) and the All-India Women's Conference (1926).¹⁹

Nandita Gandhi testifies that the women now demanded separation from the organisations of the reform movement on the plea that they were not going to set up rival groups, but merely desired to "facilitate the entry of more women into their organisation".²⁰

The activity of women through the many organisations benefitted women in many ways. Firstly : they created awareness and developed organisational skills among women. Secondly : the debates and discussions on issues in these organisations contributed to greater clarity and sharpness of perception on the women's issues.²¹ They were also able to carry out some significant welfare activity.²²

However the wider perspective adopted in those days did not permit a sharp focus on the women's problem as a

principle item on the agenda of social action. Swaraj, at that time appeared to offer the answer to all the problems.²³ Under the compulsions of nationalism, the development of women's consciousness was hampered. Awareness of rights lay at the level of equality with men.²⁴ Awareness of the oppression as the female sex, or the consciousness of exploitation linked with social subordination had not entered into the cognitive plane of women. In fact the women were careful to keep away from any political advantage distinct from their male counterparts. There was rather a feeling that any positive discrimination too would be a big drawback in the quest for political equality.

A deputation of women waiting upon Mr. Montagu, Secretary of State, who was studying Indian conditions preparatory to initiating constitutional reform in India, made a demand that the term "Indian people" should include Indian women. Indian women were not to be put on par with children, foreigners and lunatics in any scheme of reform for India.²⁵

In fact a resolution submitted by the All India Women's Conference in 1931 to the Viceroy asked for, the right of women to fight on par with men in mixed electorates, and for no reservation of seats for women or for any special nomination.²⁶ Thus apparent in this

period was an assertion by women of their political right of being recognised as citizens.²⁷

Important women leaders, from liberal homes, making a place for themselves in politics however still perceived women's roles in the traditional idiom. A speech of Sarojini Naidu, quoted by Forbes would make this clear :

Women would have to learn to act like Hindu goddesses not just inside the home ... but in the community and the larger world as well.²⁸

The leadership not only of the Congress, the Communist and the Socialist Parties, but also of the All-India Women's Conference broadly shared the Gandhian view that men and women by nature and biology were meant to perform different but complementary roles in the society, and that each had the right to be supreme in his or her domain.²⁹

Thus the complete absence of the feminist perspective in the articulation of the women's role was evident.³⁰

Also evident was the complete absence of articulation of the rights of the rural women in the term "women's conditions". Thus there was no discussion on the conditions of rural women or labouring women, or on the issues of equal pay for equal work, or on housing for women in the nationalist women's organisations³¹

Forbes points to the ironical situation where the large scale participation of rural women, and the picketing demonstrations and agitational politics in which they participated helped build a climate in which the endorsement of the demands of women who were largely middle-class, and urban.³²

Says S.R. Bald about the consequence of this period of women's activism :

... a discussion of the women's question without a critical examination of the patriarchal tradition, inevitably emphasized differences between men and women, preserved traditional roles, and the male-female hierarchy.³³

The Second Phase : The Post-Independence Period

The Women's Movement in the immediate post-independence period was characterized by the following features :

- a. Important legislation and other state-initiated change favouring women in the initial period;
- b. A sense of complacency bred by the achievements of women's groups;
- c. A primacy to the upper and middle-class women and their interests rather than those of the lower classes.

The constitutional guaranteed equality³⁴ for women was the crowning achievement of the struggle of women in the pre-independence nationalist phase. More legislation was enacted by the government to further the effort to achieve equality between the sexes. The objective was to modify the role of women as defined by

law and custom. These laws were the Hindu Marriage Act (1955) which secured the right to divorce, the Succession Act (1956) which secured the right to property and the Adoption Act (1956). It appeared that with the adoption of the principle of equality, of the vote, of the right to education, entry into public offices, the women's question "was deemed to have been solved".³⁵

However the issue of implementation of these policies, and the absence of a machinery for the same was not considered. There was a sense of complacency too among the women.

Neera Desai points out the position in the post-independence period :

The upper and middle classes were the beneficiaries both of higher education and new employment opportunities. The academic and medical professions which were most liberal in accommodating an increased number of gifted women ... helped strengthen the illusion of rapid improvement in women's conditions and achievement of equality by them.³⁶

Moreover, since the government's policies towards women veered towards welfarism and women's development was being confined to education, health and family welfare, women's groups and associations too were influenced by this notion.³⁷ The women organisations tended to perceive women as beneficiaries of economic developments and not as active participants.³⁸ Middle-

class in their origin, they had not developed the awareness that the socio-economic ethos may prove to be a restriction upon the exercise of guaranteed rights. The economic concerns of the poorer sections were not articulated.

The Post 1975 Phase

Some significant political, economic, social and academic issues had made their presence felt in the period of the seventies. There had been the loosening of the colonial ties and several new independent nations had been established. The long drawn out Vietnam war had contributed to a sense of dissatisfaction and disillusionment with the US. Campus unrest in the West had raised far-reaching questions. The growing tide of feminist consciousness in the west challenged the 'accepted, traditional modes' of division of social power in a patriarchal society and called for a review of some accepted premises.

In academic circles there was a growing dissatisfaction and discomfort with the notion of development premised on the modernisation theory which had held sway in the post second world war western nations and which had earlier been unquestioningly accepted by the developing countries. This dissatisfaction found voice in newer theories which

attempted to explain the fact of underdevelopment of the erstwhile colonial countries, rather than explicate the notion of development based upon the idea of growth. Theories of dependency, the modes of production and the neo-Marxist schools were put forward as alternate explanations of the economic backwardness of the Third World. The question of alternative strategies for growth were also being raised.

Says Nandita Gandhi

The first and second waves of the women's movement in India emerged and drew ideological and organisational support from the general movements in the country. To a large extent both these phases were successful in eliminating the most blatant atrocities against women and securing constitutional rights. They also expanded the scope of the public and intellectual arena open to women. The experiences of the women in the movements of the 1970s prepared the ground for a more intense and lonely search for freedom and justice.³⁹

The post 1975 period in the women's movement revealed two primary characteristics. One was the presence of a large number of autonomous groups - independent of political parties - which pressed the demands articulated by the women's movement. Second is the change in the nature of the issues upheld by the movement in comparison with the salient issues of the earlier phase. Both these characteristics are closely inter-related : the latter pointing to the content and the former to the modes of expression of the issues.⁴⁰

Thus the issues that they take up have a very wide

range and diversity such as price rise, eve-teasing, rape, dowry-deaths; they may take up the activity of supporting women in distress, unionising workers domestics and slum dwellers; they may research on women's issues, set up media groups or publishing houses or cultural forums which centre on the concern for the woman and her situation.⁴¹

Nandita Gandhi, considers this form of organisation as a step by which:

the new groups have broken tradition and stepped out from under the umbrella of male patronage, defying both conservative and left ideology.⁴²

This kind of organisational initiative prevented the marginalisation and side-stepping of women's issues evident in most organisations. It also contributed to the furtherance and refinement of the issues of debate within the women's movement. Thus it was able to overcome not only the ideological stagnation in understanding the women's issues, but also bring a certain dynamism to the struggle.

Women's autonomous groups have attempted to carve out an identity separate from other political parties. However, at one level of understanding, womens groups have much in common with the left groups since both are committed to the issue of equality and social justice. This is even more true for those autonomous women's

groups which engage themselves in mobilisational and organisational tasks among the poor.

According to Patel and Bakshi,

whereas the efforts for women made by fronts of established parties had been marked by a certain tokenism, the emerging women's groups distinguished themselves by dealing with the personal and immediate issues. Without wavering on their commitment to the working class, these groups insisted on making the cause of the woman the top priority, not to be subordinate to any party line.⁴³

In fact many women's group may have drawn upon the Marxian mode and methodology, without being part of the Left in the form of a political party.

Thus there is an ambivalence in the relationship of the women's groups to the left parties. It initially stems from the perception of the women's groups that women suffer from a unique form of exploitation and oppression, which the economic class question may further reinforce or influence. The Left has traditionally viewed the issue of economic class exploitation as primary.

Traditional left method of agitation and trade union activity have been seen by women's autonomous groups as unable to touch important issues of women's subordination such as wages in the unorganised sector, the issue of oppression within personal laws, shortfalls in legal rights, etc. The left parties on the other hand perceive non-party groups as a challenge to their

hegemony as spokespersons for the deprived and exploited.⁴⁴

Many women have however been able to draw inspiration from their association with the left groups and have attempted to draw from this association even while articulating women's unique oppression.⁴⁵

These autonomous organisations first made their appearance in the bigger cities, but have gradually sprouted in all parts of the country. Some of these are Stree Shakti Sangthana (Hyderabad), Sakhi Kendra (Kanpur), Forum Against Rape (Bombay), Women's Centre (Bombay), Forum Against Oppression of Women (Bombay), Socialist Women's Group (Bombay), Ajivika Press (Patna), Stree Sangbharsh (Delhi), Saheli (Delhi), Pennuramai Iyakkam (Madras), Pragatisheel Mahila Samiti (Bombay), Stree Mukti Sangthana (Bombay).⁴⁶

The feminist movement in the West has also contributed to a move towards autonomy in expression of the demands of women. Vibhuti Patel points out that the literature and campaigns of the Western women's liberation influenced many women with higher education.⁴⁷

The issues around which autonomous women's groups have appeared are of a very wide range. They are as Patel points out in another essay:

born out of the knowledge that since the power of patriarchy is all pervasive, it is important to fight in at all levels, from the family, to the factory to the fields.⁴⁸

However, this distinctive change in the content and tone of the issues upheld by the women's groups, and the increase in the feminist rhetoric of these demands was a consequence of the radicalisation and politicisation of Indian women - rural and urban - over the years under the impact of several disparate forces. These can be identified as the following:

1. In 1972 there was a strong protest by women against the rising prices of food and against the scarcity of oil and kerosene, under the banner of the Anti Price Rise Front.⁴⁹ The idea of protest against price rise spread to different parts of the country. The protest brought out women from their houses in large numbers, involved them in protest action and "politicised women across the board".⁵⁰

2. India's own brush with authoritarianism between 1975-77 in the form of the nineteen month Emergency served to emphasise the value and worth of constitutionalism and democratic governance. It also contributed to a greater politicisation of the people.⁵¹

3. The Report Towards Equality of the National Commission on Women in India (1971-74) was inexorably forced to the conclusion of an increasing

marginalisation of women in the economy and the society.

Say Vina Mazumdar:

The Committee found in the demographic trends of the declining sex ratio, the growing disparity in the life expectancy and death rates of men and women, and in their access to literacy, education and a livelihood, indication of "regression from the norms developed during the freedom struggle", and an increasing process, which was taking a direction totally opposed to the vision put forward by the fathers of the Constitution⁵²

4. The historic railway strike of 1975 contributed towards a radicalisation of the women, who as wives, mothers and sisters actively supported the strike in which their menfolk participated.⁵³

5. Some political activity in regions of West Bengal, Andhra Pradesh, Bihar and Kerala also served as a major source of radicalisation in the late sixties. These were activities of some radical students groups, some of which had severed ties with the CPI (M), and of some independent groups attempting to organise the tribal and peasants for armed struggle. Women too were closely involved.⁵⁴

6. In Gujarat in the early seventies women actively participated in the student agitation against price-rise and corruption, scarcity, hoarding and black-marketeering. This was termed as the Nav Nirman Movement.

7. In Bihar, a similar agitation took place. The issues here too were linked with corruption and price-rise. This was led by the Sarvodaya leader, Jai Prakash Narayan, who called for a Total Revolution. The women students were closely involved in the stir and had formed a special body called the Mahila Sangharsh Vahini.⁵⁵

8. A rebellion launched by tribal women of the Garhwal hills against forest officials and contractors which came to be called the Chipko Movement, in 1977 is also cited as an instance of women's politicisation which had an impact on the nature of the women's movement in recent years.⁵⁶

9. Issues of rape and dowry deaths:

The campaigns against dowry murder and police rape were, in fact, what 'launched' the women's movement, for they caught the attention of the press and became public issues.⁵⁷

This issue is also significant because the "first campaign of the developing movement centered on police violence against women".⁵⁸

Subsequently, under pressure from the women's movement, the government finally decided to appoint a Law Commission to review the existing legislation on rape.

Thus the collective impact of participation in

agitations, protests, demonstrations and discussions has been not only to draw attention to the impact of changing conditions upon the life of women, but also to empower the women.⁵⁹ Women from the working classes and middle classes who participated in these mobilizations and struggles became conscious of themselves as a specially oppressed group.

Thus the post 1975 period in the women's movement was characterised by a widening of its perspective as well as an improved comprehension of the linkages within which women's issues were located. The hitherto middle-class nature of the movement gave way to an assimilation of the poverty perspective. This perhaps could be traced to the general dissatisfaction, manifest in the period of the seventies with the development policies which had been quite ineffective in the objective of eliminating poverty. The realisation of the marginalisation of the poorer sections was accompanied by an awareness that the place of poor women in a patriarchal society was at the very bottom of the socio-economic stratification.

This period had also seen the growth of studies relating to women which focussed upon the shortfalls, disadvantages and drawbacks emanating from the social, cultural, attitudinal and economic constraints faced by women.

This genre of studies focussed on expanding the parameters of academic discussion to cover issues hitherto neglected or ignored by the dominant perspective.

Mazumdar has pointed out that:

a new body of literature on women and development, derived from an analysis of sex inequality of formal, legal and political system[,] to an examination of new inequalities generated by the pattern of development. Linkages have been discovered at national, regional and global levels that provide new perceptions of an understanding of the changing pattern of women's inequalities, roles and problems.⁵⁰

These studies have aided in generating a huge data and literature on the various facets of women's inequality in the economic, political, legal and social fields. They have pointed out to new facets of inequality which have been generated by the development pattern.

The understanding of the structural violence against women was accompanied by a comprehension of state violence. Familial violence is being understood by the evidence supplied by instances of bride burnings and wife-murders. Religion and feudal customs too may contribute to denial to women of their rights as is evidenced by the devdasi custom and the incidence of sati.

Thus from the legislation-oriented approach of

change in the two earlier phases, the post 1975 phase displays a concern with positive interventions to change prevailing social conditions of injustice for women. There is a consciousness that the explanation for women's subordination lies in societal patterns. There is a consciousness that while law is an important means of bringing about change, nevertheless it can merely act as a directive. The social reformers of the 19th century and the leaders of the national movement phase in the women's movement had manifested their faith in law and their demands were addressed to the state. In the present time the project is more comprehensive and subtle. It is an investigation in the socio-cultural arena which restricts the successful application of the legal directive.

The programme which the women's groups see for themselves today is as follows:

- a. to eliminate the shortfall between the legal and social position of women;
- b. to eliminate those lacunae in law where they do not empower women equally. They can legally challenge these through judicial remedy or suggest suitable amendments;
- c. to specifically criticise and protest and struggle against women-specific crimes, discrimination,

misuse of amniocentesis tests, dowry, dowry deaths/murders, rapes; and,

- d. to create through research and documentation, a data-base in order to generate opinion and thought on the issue of women with the objective of achieving social change.

Notes

1. Vibhuti Patel and Rajni Bakshi, "The Women's Movement in India : A Historical Perspective", Harsh Sethi and Smitu Kothari, eds., The Non-Party Political Process : Uncertain Alternatives (UNRISD/Lokayan, 1983), p.308.
2. Suresht Ranjan Bald, "From Satyarth Prakash to Manushi : An Overview of Women's Movement in India", Dilip K. Basu and Richard Sisson, ed., Social and Economic Development in India : A Reassessment (Delhi : Sage, 1986), p.196.
3. Nandita Gandhi, "The Emergence of Autonomous Women's Groups", Lokayan (New Delhi), 4/6, p.85.
4. S.R. Bald, op.cit., p.197.
5. Vina Mazumdar, "Emergence of the Women's Question in India and the Role of Women's Studies", Mimeographed Paper (not dated), p.3.
6. Ibid., p.3.
7. Neera Desai has pointed out, "In fifty years of the history of demand for social reforms, one could identify two different phases. In the first phase, social reformers made a strong plea for social reform. In the second phase, great stress was laid on the education of women". Neera Desai, "From Articulation to Accommodation : Women's Movement in India", Leela Dube, et.al, eds., Visibility and Power : Essays on Women, Society and Development (Delhi : Oxford University Press, 1986), p.290.
8. Desai, op.cit., p.290.
9. Vina Mazumdar, "Emergence of the Women's Question ...", op.cit., p.3.
10. Towards Equality : Report of the Committee on the Status of Women in India, 1974, New Delhi, Government of India, Ministry of Education and Social Welfare, p.53.
11. The Social Reform Movement, states, Vina Mazumdar "touched only the urban middle class and upper class women who were less than ten percent of the female population of the Indian continent at that date". See, Neera Desai, "From Articulation to Accommodation ...", op.cit., p.291.

12. Ibid. p.291.
13. Towards Equality (1974), op.cit., p.83.
14. Nandita Gandhi, op.cit., p.86.
15. Geraldine H. Forbes, "The Women's Movement in India : Traditional Symbols and New Roles", in M.S.A. Rao, ed., Social Movements in India (New Delhi : Manohar Publication, 1984), p.366.
16. Ibid., p.366.
17. Ibid., p.378.
18. Patel and Bakshi, op.cit., p.313.
19. See, Forbes, op.cit., p.366. According to S.R. Bald, "The women's movement, as expressed by these organisations bore a parent-child relationship to the social reform movement that had given it birth, and a sibling relationship with the Indian National Congress", S.R. Bald, op.cit., p.199.
20. Nandita Gandhi, states that it was not ideological differences between the men and women that led the women to organise separately. Ibid., pp.85-86.
21. "Its [All-India Women's Conference] demands and radical terminology showed a shift from the welfare approach to demanding equality for men and women. For example, the earlier demand for education was broadened to a demand for co-education, legislative reform included marriage, divorce and inheritance laws, economic equality meant the right to a husband's income and pension for widows. There was a heated debate on the merits of universal franchise or the acceptance of wifehood qualifications as suggested by the British. Surprisingly even the right to abortion was discussed". Nandita Gandhi, op.cit., pp.86-87.
22. Forbes, op.cit., p.366.
23. Forbes, op.cit., p.379.
24. S.R. Bald points out that the decision for women's franchise was left by the British government to the provincial assemblies of British India, which were to be elected on the basis of a limited male suffrage. Consequently the Women's India Association and the Bharat Stri Mahamandal launched a campaign to pressure Indian men to 'allow' women to have voting rights. Op.cit., p.2000.

25. Pratima Asthana, Women's Movement in India (Delhi : Vikas, 1974), p.111.
 26. Vibhuti Patel and Rajni Bakshi, op.cit., p.312.
 27. Desai, op.cit., p.291.
 28. See, Forbes, op.cit., pp.375-376.
 29. Nandita Gandhi, op.cit., p.87.
 30. Forbes, op.cit., p.379.
- S.R. Bald points out that Sarojini Naidu "assured the men that the vote for the women was not the beginning of the end of traditional distribution of power and differentiation of roles between the sexes but a new partnership in winning freedom and building the nation". See, Bald, op.cit., p.200.
31. Forbes, op.cit., p.377.
 32. Forbes, Ibid., p.377.
 33. Bald, op.cit., p.203.
 34. Article 14 gives all persons equality before the law; article 15 states that the "State shall not discriminate against citizen on the ground of religion, race, caste, sex, place of birth; article 16 grants equality of opportunity to all citizens in matters related to employment under the State".
 35. Mazumdar, Emergence of the 'Women's ...', op.cit., p.4.
 36. Desai, op.cit., p.293.
 37. Ibid., p.292.
 38. Ibid., p.293.
 39. Nandita Gandhi, op.cit., p.89.
 40. However, Nandita Gandhi points out that the rationale of the increase in the number of women's associations in the pre-independence period was different from that of the seventies. Earlier they had been set up in order to attract more women members. Nandita Gandhi's endeavour at identifying this historical similarity of emphasising associations in two stages of the women's movement defends the women's movement in India from "a common accusation that autonomous women's groups

are a western implant in our society". See Rajni Bakshi, "By way of an Introduction", Lokayan (Delhi), 4/6, p.14.

41. Patel, "Impact of Autonomous Groups" Lokayan, op.cit., p.22.
42. Gandhi, op.cit., p.89.
43. Patel and Bakshi, "The Women's Movement", UNRISD/ Lokayan, op.cit., p.319.
44. For a very good discussion on the relationship between the Left parties and the non-party groups see Illina Sen, "Feminists, The Women's Movement and Working Class", Economic and Political Weekly, 22 July 1989, pp.1639-1641.

Sen reviews Vimal Ranadive's document "Feminism and the Women's Movement", published by All India Democratic Women's Association, 1988.

Also see Gail Omvedt, "Women's Movement : Some Ideological Debates". Lokayan Bulletin, 4:6, 1986, pp.35-43.

45. See, Vasanth Kannabiran and Veena Shatrugna, "The Relocation of Political Practice - The Stree Shakti Sangathana Experiment", Lokayan Bulletin, 4:6, 1986, p.28.

They explicate, "It needs to be mentioned at this point, however, that our proximity to the left provided us with analytical tools and a broader political perspective that many of us felt was invaluable for our growth and for our new understanding to political action at the micro-level. Marxism had provided the basis for our political commitment and growth and continues to do so in many new ways".

46. According to Radha Kumar, "Though there was no particular uniformity among them, their members were drawn largely from the urban educated middle class", See, Radha Kumar, "The Women's Movement", Seminar, No.355, March, 1989.
47. Patel, "The birth of the women's liberation movement was the result of a unique sharply polarised political conjuncture between the years 1968 and 1975; which had a radicalizing effect throughout the world. Many of the women who lived in the social and political struggles of that period became the pioneers of an autonomous women's

- movement". Vibhuti Patel, "Women's Liberation in India", New Left Review (London), September-October, 1985, p.75.
48. Vibhuti Patel, "Impact of Autonomous Women's Organisation", Lokayan (Delhi), 4/6, p.90-91.
 49. This was led by Mrinal Gore and Ahilya Rangeekar, The former was a Socialist Party and the latter a CPI (M) leader.
 50. However it has been pointed out that this protest move was not a purely "women's issue", it was a consumer issue. SR Bald analyses, "The protesting women placed the issues of food and unemployment within the frame-work of women's traditional role as wife and mother ... Womens protest against rising prices, scarcity and unemployment therefore expressed women's frustration and anger with the material conditions that threatened their ability to fulfil their gender ascribed roles, women were not protesting against the traditional differentiation of roles". Bald, op.cit., p.209.
 51. According to V Mazumdar, the new momentum in the women's movement may be perceived as "a manifestation of the reassertion of the Indian people of their democratic rights after the experience of national Emergency". Mazumdar, op.cit., pp.5-6.
 52. Ibid., p.5
 53. Patel, "Womens Liberation", New Left Review, op.cit., p.76.
 54. Patel and Bakshi, "The Women's Movement", UNRISD/Lokayan, op.cit., p.316.
 55. Ibid., p.317.
- Radha Kumar has pointed out that influenced by J.P.'s emphasis during the period of the agitation to change gender relations, women's groups, from 1979-80 began to organised shibirs, camps in Bodhgaya district. This method of consciousness raising which had been earlier used by the Maoists became popular among various women's organisations. See Radha Kumar, op.cit., p.23.
56. Patel "Womens Liberation in India", "New Left Review", op.cit., pp.78-79. In fact, issues around the Mathura Rape were made the basis of a nation-wise mobilization.

57. Ibid., p.80.
58. Ibid., p.80.
59. Bald, op.cit., p.211.
60. Mazumdar, Emergence of the Womens Question",
op.cit., p.12.
61. U. Kalpgam, "Gender in Economics" in Economic and Political Weekly, Vol.XXI, No.43, Review of Women's Studies, 23 October 1986, pp.53-66.

CHAPTER V

SEEKING SPACE

In this chapter we will attempt to focus primarily on the working and application of the guaranteed rights and liberties as they touch women. The society, organised on a patriarchal basis, is mediated upon, by the state with its paraphernalia of guaranteed rights, and positive transformatory legislation in an effort to give a position of equality to women vis-a-vis the men. However, this aspiration of the state - declared by articles 14, 15 - meets with limited success in practice. This has implications for the complete utilisation of other guaranteed rights and civil liberties by women. Voluntary organisations, specially identifying themselves with the issue of women and their interests, attempt to press towards removing the various restraining structures which handicap and restrict women in the exercise of their rights and civil liberties.

Voluntary organisations may have, as we have seen in an earlier chapter, their own agenda for transformation and change related to their world view. It may be of interest to examine two voluntary organisations concerned with women, their objectives and programmes, to discover the perception of social transformation they envision.

The two women's voluntary organisations chosen for close investigation are Manushi and Suraksha. The former, a Delhi based organisation, has made a unique intervention in the form of a magazine on women and women-related issues. Suraksha has identified its primary activity to be the issue of dowry-related demands and family counselling, in and around the city of Lucknow.

Part I

Manushi

In an earlier chapter we had pointed to the appearance of several organisations around the issues of democratic rights and civil liberties in the period of the seventies. Manushi is one such voluntary organisation, which has worked towards an improvement in women's situation in India.

Manushi is a Delhi-based organisation founded in 1978 which brings out the journal Manushi in English six times a year¹ with the objective of giving women the opportunity to read, express, debate and think upon the various dimensions of women's oppression in society. Some members of Manushi had earlier² been part of a broad-based women's group in Delhi University called the Stree Adhikar Manch

Apart from the journal Manushi, published consistently since 1978, they have also expanded into further publication of books, and have brought out an audio-cassette of songs as well. Expansion and experimentation with street-theatre, films and the video is also planned.³ The scope of Manushi's work has been described as conducting and collating research and carrying out investigations. The Manushi group participates in discussions and dialogues on various issues, maintains contacts with other activist groups, participates in protests and demonstrations around specific issues and perceives its work on women "as part of an over-all human rights movement in India".⁴

In the initial period of Manushi's inception, it had also provided shelter to women in distress. However at present they give only advice and refer them to appropriate institutions.⁵ They also provide free legal advice to women and "take up public interest litigation cases, which affect groups of women and aim at changing law and interpretation".⁶

However the publication of the journal Manushi has been the first task undertaken by this organisation. It has also been one of the most consistent and visible activities of the organisation.⁷ It is intended, in this work, to critically examine this major prong of Manushi's activity.⁸

The "Introduction"⁹ points out that the period of the seventies:

also saw the birth of many new magazines and journals, a number of them representing the non-commercial alternative media Manushi was among the earliest of such magazines to appear after the Emergency.¹⁰

The inspiration behind the journal Manushi were acknowledged to be the struggles of rural women in Maharashtra and the hills of Uttar Pradesh, who were successfully challenging entrenched power structures and the strong desire to spread the story of their struggles.

We therefore felt the need to create women's own forms of communication, to collect and disseminate this information systematically, to begin to understand and identify the issues around which women in different parts of the country were beginning to struggle, and to try and find out how we could help strengthen and spread such struggles keep them from being isolated, and thus easy to repress.

This exercise it was hoped, would also encourage, strengthen, educate and support women's struggles in different fields, in different parts of the country.

An important task which Manushi envisaged "as a vital precondition for the development of theory and practice of the emerging movements"¹² was information gathering about women's situations, their living and working conditions among different castes, classes, communities, regional and occupational groups in different parts of the country.

The magazine consciously avoided an urban-centred bias, recognising the necessity of drawing information about the life and struggles of the rural women.

The journal initially was brought out¹³ in both Hindi and English, with the former being priced lower for wider readership. However in 1987, the hindi Manushi had to be suspended, the reason being that,

The readership remained small for this type of magazine; interest¹⁴ never picked up sufficiently...

For the publication of Manushi a high degree of participation was envisaged at the editorial level. The magazine was initially being run by a "collective" and the pattern of listing members of the Editorial Board was dispensed with. The objective was to keep the organisational pattern non-hierarchical and democratic, open for the widest participation and assistance by many people in ways of their choice. Not mentioning of specific names was also affirmation of the fact that "help" for the journal had come in various ways -- material assistance, physical help and even moral support.¹⁵

However, the democratic norms of functioning were established only through some practical and theoretical tensions.

It was only through a long and painful struggle that we came to realise that merely using a label like "collective" does not automatically create the

reality of a truly egalitarian structure Very soon the term became a liability. Moreover we found ourselves dragged into the whole gamut of controversies surrounding the term "collective" in the western feminist movement Instead we say Manushi is brought out by a group of women and we accept help from whoever is willing to help, regardless of community,¹⁶ class, sex, political leanings or lack of them.

On the level of readership too, a close participatory relationship was envisaged. There were invitations to the reader to "consider it yours",¹⁷ to "share your experiences of being a woman with other women".¹⁸ There were requests for assistance in enrolling subscribers, collecting donations, distributing the magazine and collecting advertisements.

The pricing policy aimed towards acquiring the widest possible readership. Deliberately pricing the English edition at half its cost in India, the hindi edition was even more subsidised. A policy of dual pricing was followed - a minimum price is fixed, and those who can afford are encouraged to subscribe at higher rates.¹⁹

The publication of Manushi was envisaged as a non-profit venture, financed through subscriptions and donations from individuals, without seeking grants from any governmental and non-governmental organizations. This enables the journal to adopt an independent view point.

A principled stand is taken on the advertising policy. Manushi, at inception decided not to accept advertisements which projected a degrading or subordinate image of women.

Despite financial constraints, they resolved not to accept grants from any institution,

because we feel that Manushi should live and grow on the strength of those for whom it is a felt need.²⁰

Readers have been encouraged to reports on achievements and struggles of women, on atrocities on women. Newspaper clippings, articles, interviews, short stories, film reviews, photographs and sketches are invited too. This also enables the journal to have a country-wide focus while looking at women's issues. Readers' comments - complimentary and critical are published.

That Manushi was able to achieve an important objective of "breaking the passivity and isolation of women" is amply proved in its column of Readers' Response. We may quote one such:

"six times a year Manushi makes me feel I am not alone in the world".²¹

In an early aditorial, the editor quotes a reader's comment:

"One reader expressed this beautifully, "you do not know how many millions may find a voice here". This is how we see Manushi and how we hope you and many more women will relate to it".²²

In a recent article²³ by Madhu Kishwar²⁴ there has been an effort to explicate the ideology of the journal and to dissociate it from the label of "feminism" which is seen as being "alien to the vocabulary of women in India and inadequate for Manushi's purpose".²⁵

It has also been perceived as being of limited importance in India since

"feminism, as appropriated and defined by the west, has too often become a tool of cultural imperialism".²⁶

Manushi would argue for a point of view closer to the Indian ethos and social arrangements and therefore for an approach which is not bound by the compulsions of reacting to issues according to the bindings and requirements of any "ism". The establishment of battered women's homes is offered as an instance of culture-specific response to an activity.

In India, the article points out, the concept of battered women's homes has not really caught on because such women - largely without economic support - have to be sustained economically as well as socially and resources to sustain and rehabilitate them economically are difficult to obtain. Not much of such support is forthcoming from the state welfare resources either.

In the west the responsibility of such homes is not primarily economic since state security does exist and

the role such homes play in the west may be understood more in the nature of offering a period of moral support for women attempting to become self-dependent in a system where the natal families are not usually available for moral support²⁷. There Kishwar contends that the cultural, social context in viewing an issue would offer a better perception, rather than fixed ideological moorings in rooted "isms".

This denial of being bounds by constraints of 'isms' is actually a declaration of an autonomy of decisions and responses.

This basic approach, unqualified by any specific nomenclature of any "ism", is reiterated by another statement to buttress the fact that Manushi's ideology attempts to transcend a narrow ideology of feminism.

We deliberately chose the subtitle 'a journal about women and society' which along with the word Manushi is concerned not just with women's 'equality' as the term 'feminist' would imply, but with the protection of human rights of the disadvantaged or discriminated groups of our society, while having a special emphasis on women's rights.²⁸

This viewpoint has been well explained in "Manushi - a brief introduction".²⁹

The word Manushi means 'woman' with an emphasis on the human identity of the woman. It is a semi-coinage by us, from the Sanskrit word 'manush' which means 'human being' as distinct from 'purush' which means 'man'. The emphasis is on humanity not manhood ... 'Manushiya' as an adjective means 'humane'. It is also close to the word 'manas' which means 'mind' or 'intellect' ...³⁰

In the course of the following discussion we will attempt to examine and outline the role which Manushi seeks to play in overcoming the legal as well as social "shortfalls" which handicap women's equality.

The journal has a pragmatic appraisal of the role of "law" as an instrument of change in the situation of women.³¹ It is seen as a positive asset. However there is a good understanding too, of the fact that having a law on the statutebook is no guarantee of its implementation. Restriction to the utilisation of law may flow from a variety of sources. The patriarchal bias of law enforcers and law interpreters may serve to limit the practical application of law. Ignorance of the law, conditions of poverty, illiteracy and consequent non-assertiveness, entrenched patterns of socialisation and norms of behaviour are some constraints on the actual utilisation of law by women in whose interests it may be made.

Thus in Manushi a discussion on "Law for women", its content and form, its complexities, and its interpretations has been perceived as important for understanding and utilising law in the interests of women. We will later see that Manushi has also initiated an attempt to press for changes in the law. Together these may be seen as an effort to bridge the legal "shortfall" in the issue of women's equality.

Also, Manushi has attempted to bridge the "social shortfall" by attempting to explicate the complex social reality of womens subordination in India. It documents the conditions of Indian womanhood - largely rural and poor - and attempts to focus on the importance of women's struggles - individual and collective - to overcome this arena of social "shortfall" in order to achieve equality.

Thus at the heart of the Manushi journal is the notion of social change through women's struggles to alter those arrangements which restrict the use of their guaranteed rights in social, economic and legal fields which restrict real equality for women.

Manushi has made available a forum for the expression of personal opinion's, organisational experiences of individual and activist groups. In the columns, there are discussions on events, writings, legislation, interpretations of literature, history, and contemporary debates. It has served the important task of disseminating information and building public opinion. Articles have delved into history attempting to enrich the reader's understanding and explicate women's subordinate position. Some have attempted positive assessment of women's roles in earlier historical struggles. Understanding of the cultural diversity of the country has been enriched by

translations from regional literature, of stories and poems which have a bearing on women's role and status.

Thus the commonalities which unify Indian women, despite the many diversities, have been emphasised in order to contribute towards building a movement³² of women.

Violence against women is one such issue which has integrated women despite the regional, social and economic disparities among them. Similarly the slogan raised - "Our Right to Our Bodies"³³ has had the potential to educate as well as to suggest the uniting of womanhood irrespective of the differences of class, or region or age.

The journal has attempted to establish a pragmatic appraisal of the position of law as an instrument of change in the situation of women. A favourable law for women, it sees as a positive asset. But having a law on the statute book is no guarantee of its implementation. In order to use law constructively in favour of women, there is a column which discusses law, with the express purpose of "demystifying" law. States the journal:

It is true that the law gives deliberately surround the legal process with ... red tape and tongue-twisting language ... But we feel that this is a part of the conspiracy³⁴ to deprive us of control over our own lives ...

What is the woman's position in law ? How does law impinge on women's lives ? What are the lacunae in law

as it applies to women ? These are some of the issues that Manushi has attempted to explicate in various articles.³⁵

Manushi would attempt to :

... expose not just how laws passed by the Parliament are biased against women but how the whole legal system from the police who record the case to the courts which judge it, to the legal books which interpret it, conspire to keep us oppressed ...³⁶

But apart from the patriarchal bias in the law itself, other factors which restrict the women in the utilisation of rights under law are poverty and deprivation.

The issues of women's inheritance rights, succession laws, divorce laws and guardianship laws, dowry and marriage related incidents appear to highlight the truth of the slogan initially put forward by the feminists in the West : "Private is Political". Manushi too has been concerned to demonstrate the truth of this phrase and has, through a perceptive article attempted to demonstrate the subtle modes by which women are conditioned to permit their own rights to go by default.

In an article entitled "Some Aspects of Bondage : The Denial of Fundamental Rights to Women",³⁷ articles from Part Three of the Constitution are examined with the objective of discovering the particular limitations (over and above the constitutionally defined ones), that

restrict the application of these laws in women's lives. These special limitations stem from the position of subservience in which women are located in a society which is organised on a patriarchal basis.

Kishwar examines articles 16(2), 19(a), 19(c), 19(d), 19(g), 21, 23(i) and 31³⁸ which are concerned with the issues of equality, freedom and protection of life and personal liberty.

This discussion clearly points out to the working and patterns of civil society, which restrain the women from exercising constitutionally guaranteed rights.

Kishwar points out that the restriction of women's mobility outside the house by linking it to abstracts such as "respectability" and "family honour" tend to increase women's dependence on the males of the family. Absence of mobility also restricts external options like choice of jobs, communication and association with men and women outside the immediate family and circle of relatives.

By restricting women's mobility, men are able to influence labour market patterns such as the ghettoisation of women in the lowest paid jobs, making some jobs home-based in nature, withdrawal of the women from the labour market at their own discretion etc.

Another article "Unpaid, Unrecognised : Women Speak about Housework", is a series of short interviews about housework with some house-wives.³⁹

There is a relationship between unpaid house-work, the isolation and the inevitable dependence upon the men of the family. It is pointed out that :

Because this labour is unpaid she is made to feel dependent on the husband ... Though the labour performed by the wife is crucial to the survival of the family members, it is depreciated by society and therefore by herself as "doing nothing, sitting at home." ... It is because it is seen as "natural" and inevitable for women to do housework and child care that their social isolation from the outside world also comes as natural and inevitable.⁴⁰

Manushi has faithfully documented the issue of women and work. This serves the following objectives :

- a. It emphasises that the average woman is making a paid contribution to her home;
- b. It challenges the prevalent patriarchal notion of the man's role as the bread-winner of the family;
- c. It amply demonstrates the pattern of women's employment in the unorganised sector - largely characterised by poor conditions of work,⁴¹ low wages,⁴² discriminatory wages⁴³ and manipulatory techniques.⁴⁴
- d. It also highlights the double burden that the women carry - of domestic work and paid labour outside the home.⁴⁵

The Shahbano case controversy has been analysed as being a women's issue more than a Muslim women's issue.

Manushi has pointed out that the demand for the Uniform Civil Code must be alive to the fact that :

"Equal rights for women should be an underlying principle of the Code."⁴⁶

It has been argued that there are certain shortfalls within the inheritance laws of the Hindus,⁴⁷ as well as in the Hindu Minority and Guardianship Act which make them unfavourable for women. Manushi has thus identified three areas in which legal change towards greater equality would be desirable. These are - a Common Civil Code fair to women, equality in the inheritance rights for Hindu women⁴⁸ under the Hindu Succession Act, and improvement in the provisions of the Guardianship Act.

Manushi has dedicated an entire issue to the subject of inheritance rights.⁴⁹ In an article they have attempted to challenge conservative arguments which are held out as the general rationale for restricting in practice, even those inheritance rights which are conceded to women. Conservative opinion, for instance argues that women's inheritance of land leads to fragmentation, that it is likely to cause ill-will between brothers and sisters, that it may be unviable because the girls on marriage usually leave the location of the natal home. They also point to the possibility of a woman benefitting from the natal as well as the marital home. These arguments have been, in the article, exposed as weak and groundless.⁵⁰

Manushi has also documented the intervention of the judiciary in upholding the interests of the women in some cases of inheritance rights, such as the striking down of the Travantore Christian Succession Act in the Mary Roy case.⁵¹

How the patriarchal ethos which defines the men in the family as the "head of the household" can lead to loss of economic rights of women is illustrated as well. In "Mine Workers Resist Retrenchment", the issue highlighted is of women workers being displaced to make place for men. More specifically, that husbands of women who were opting for voluntary retirement were being favoured with regularisation of jobs.⁵²

Manushi also documents that the traditional patriarchal ethic has also governed State behaviour. In government programmes of land for the landless and the subsidies for the poor, it is the male head of the household in whose name such resources are given.⁵³

In an article in Manushi, there has been the attempt to highlight that the inequality which inheres within a family has a bearing upon issues such as division of work-load, division of nutrition, health and life-chances for women.

In a specific study, the following questions were asked from women:

1. How are economic resources distributed within the family and with what consequences?
2. Which family members have acquired greater decision-making powers over others?
3. Who, within the family, contributes how much to family income?
4. What is the labour contribution of each family member?
5. Are the contributions of the family members commensurate with the benefits he or she derives from membership in it?⁵⁴

Another study raised the specific question of work load, calorie expenditure and nutrition levels within a family.⁵⁵

This task of unravelling the complex intermeshing of social, political, economic and cultural issues which inhere in the institution of the family, may themselves be seen as an effort to push for social change.

The journal thus attempts to clarify, with the help of essays, studies and examples, the insight which has been acquired by the feminists that "private is political." But Kishwar also clarifies, that despite the unequal distribution of power within the family:

At present whatever its limitations the family also is one of the few arrangements which provide the little support that is available to women. Wide variations exist between families ...⁵⁶

Manushi has through its discussions pointed out to shortfalls in some specific existing laws. The law on rape is one such. The significance of this lies not

only on the fact that rape constitutes a serious denial of the right to life and liberty for the woman,⁵⁷ but also because the issue of amendment of law on rape had become an important platform on which women's groups had come together in the eighties.

Discussions on the issue highlight the backdrop of protest, the amendment made in the law, the lacunae in the law, the difficulties in the manner in which legislation is implemented and interpreted.

Mobilisation and protests had surfaced in the wake of what was considered a grossly patriarchal judgement by the Supreme Court on the Mathura Rape Case.⁵⁸ Four university teachers too, in an open letter to the Supreme Court, had expressed their anguish at the judgement.

The Court itself gives no consideration whatsoever to the socio-economic status, the lack of knowledge of human rights, the age of the victim, the lack of access to legal services and the fear which haunts the poor⁵⁹ and the exploited in the Indian police stations.

The campaign of the women's groups who had collected together under a loose federation called "Forum Against Rape" pressed for a change in law on rape. This pressure had led to the formation of a Law Commission to suggest changes in the Rape Law. The amendments later suggested and finally made have been discussed in the Manushi columns.⁶⁰

The law calls for in camera trials and forbids the publication of any material related to the trial. Women's groups however felt that this provision would make social protest impossible, and would also remove the likelihood of securing, through publicity any help and support for the victim.⁶¹

The recommendation of the women's groups and the Law Commission, that the past history of the victim should not be admissible as record in the case, was not accepted and not incorporated into the legislation.

Manushi has discussed the application of laws. How, in the course of judgements in a court of law, a patriarchal interpretation can delimit the woman's liberty, and a more liberal interpretation of law can be supportive of women's rights, has been highlighted.

In an article, Manushi points out that in a judgement on a case of gang-rape, the accused were let free for the Court held the woman to be of "bad character".⁶² However in the Bharwarda Bhoganbhai case, the Courts had a more sympathetic and liberal attitude, maintaining that in rape cases circumstantial evidence was sufficient to convict an accused, for in such cases witnesses are difficult to obtain. The Court sympathetically ruled that :

The rape victim is not to be treated like an accomplice whose testimony requires corroboration. Her statement and circumstantial evidence are sufficient to indict the accused.⁶³

However apart from the process of judicial interpretation, the process of implementation of law by the executive agency too, plays an important role. Police ineptitude or callousness, may even prevent cases in the incidence of rape from being registered, thus denying the woman her rights.⁶⁴

The issue of dowry, of dowry-related deaths,⁶⁵ harassment within the marital home for dowry, have been a core concern of Manushi. The journal has attempted to document many incidents of women's deaths related to the dowry issue, as well as many protests and mobilisations against dowry.

Manushi has been vocal in its condemnation of dowry and in its early issues, oaths against taking of dowry, and boycott of dowry marriages were highlighted, as these were considered necessary to create public opinion around the issue.⁶⁶

In the recent years too the dowry issue has found mention in many articles,⁶⁷ and an attempt has been made to analyse the tenacious survival of this social malady despite general public social condemnation and regulatory legislation.

In the case of dowry, the denial of women's rights is rooted in the civil society.⁶⁸ Kishwar attempts to put the issue in perspective:

The law is bound to remain a dead letter until there is a social base for a confrontation with dowry.⁶⁹

An effort is made to trace the interlinkages of the dowry issue. Kishwar rules out the hypothesis generally held out, that the escalation in dowry-demand cases, and dowry harassment cases are related to the rampant greed and consumerism of the times. Her argument is that if this was true the general expenditure incurred on pomp and show would be discouraged by the groom's side and the money spent would be part of the dowry transaction. Goods like clothes and gadgets given to the woman too, would similarly be discouraged.⁷⁰

Dowry, Kishwar analyses, is significant not primarily as an economic arrangement, but is a political affirmation of the superior social status of the man vis-a-vis the woman. The giving of gifts is in the nature of a gift given by an inferior to a higher individual, overlord, or deity in acknowledgement of his superior status.

The dowry becomes a bridge to a son-in-law in a society where marriage is considered so essential that without it, a woman's life is blighted.⁷¹

Dowry giving is symptomatic of the woman's inferior status and therefore,

Even when demands are not made, marriage is contracted in a highly competitive marriage market, wherein it is assumed that boys are precious commodities and daughters a burden whom parents must get rid off as early as is feasible.⁷²

Kishwar points out that giving of dowry is no insurance against the harassment of the girl in her marital home. Women who return to their natal homes out of harassment will not usually be welcomed back, partially out of fear of social embarrassment and partially also because the daughter is then perceived as a continuing economic burden to the family which has already spent large sums of money as dowry on her.

With the aim to prevent this agonising dilemma for the woman, as well as to strengthen the position of women in their natal and marital homes, Kishwar suggests some structural changes. She suggests, "The solution is not to stop giving to the girl but change the form of giving."⁷³ The changes suggested emphasise the necessity of :

- a. education aimed at the empowerment of girls,
- b. a law which will prevent fathers from excluding daughters in their will,
- c. giving daughters assets on attainment of adulthood and not on the occasion of marriage,
- d. ensuring that deposits which are in the name of women should not be touched by the husband or by in-laws, and,
- e. social acceptance⁷⁴ of an individual's right to refuse marriage.

The issue of dowry - a social custom - is related to the issue of civil liberties for women. Through the prevailing social phenomenon of 'wife murders', the issue of dowry may deny the women the essential right to life.

In the backdrop of conditions of social, economic inequality of women, Manushi has also commented on the issue of "organising" for change, and "struggle" for change. When the system is unresponsive and impervious to change, women may have to make attempts to facilitate change or to compel it.

Efforts to change may have any of the following objectives :

- a. to effect change in public opinion on the issue of change itself,
- b. to demand specific change in some particular law,
- c. to create some enabling structure such as a Union or Cooperative, and,
- d. to use available means present in the system to press for change, i.e., through a responsive judiciary.

Manushi has stressed the importance of struggle in seizing one's constitutional and legal rights. In the pages of Manushi, there is a documentation of women-in-struggle,⁷⁵ There is documentation of the experiences :

of ordinary women who have in their own varied ways, combated oppression and moved towards achieving a modicum of independence and self expression.⁷⁶

There is a documentation also of exceptional women:

who have been able to make a noteworthy contribution in their chosen fields, thereby exposing the lie that women are innately inferior to men, and thus forcing society to become more receptive to the idea of women's independence and creativity.⁷⁷

The objective of highlighting women-in-struggle is that :

from these two kinds of experience we can learn something about ways of discovering, creating and exploring alternatives even in an oppressive society,⁷⁸ thus pushing the environment towards change.

Apart from documentation of personal struggles there is a documentation of collectivity in struggle, arising out of a realisation of a commonality of oppression. The struggles may take many forms, arise around diverse issues. Some examples are of the women from the Uttar Pradesh hills resisting tree felling in the Garhwal region,⁷⁹ the formation of the women's wing of the Ryotu Coolie Sanghams - the Ryotu Mahila Sangham,⁸⁰ identifying with the commonality of women's oppression within the caste oppressed groups, or the forming of a cooperative endeavour for economic autonomy,⁸¹ or organising, with the assistance of another voluntary group, against liquor-vending as in parts of Himachal Pradesh.⁸²

The struggles may be waged against discrimination as evidenced by the case of Ms. Muthamma against the Government policy of promotion of women in the Indian

Administrative Services.⁸³ Protests against sexual harassment of women at work are also documented with the objective of pressing for a better working environment for women.⁸⁴

In Manushi some articles have documented the process and mode of women's empowerment. In some cases this is actively facilitated by external activists. Two interesting articles are "An Assertion of Women Power : Organising Landless Women in Maharashtra"⁸⁵ and "Women in the Bodhgaya Land Struggle".⁸⁶

The former documents the issues and the methods by which the poor landless workers of the Shahada Taluka were able to identify patterns of exploitation specific to women, and those which are experienced in common with their menfolk. According to Savara and Gothoskar :

The women labourers share certain problems with men of their own class and suffer from them to a greater extent. Some of these problems are low wages, irregular work, and long working hours. Maternity leave, creches and medical care are totally non-existent.⁸⁷

However there are women-specific problems such as harassment, wife-beating, and beating and rape of women by forest guards, rich peasants, landlords and crop protecting watchmen.

Striking, boycotting of elections, protesting alcoholism by symbolically breaking liquor-pots and participation in women shibirs (camps) have helped women

in the process, not only of understanding patterns of exploitation, but also the consciousness to struggle against them.

The article on women's participation in the Bodhgaya struggle⁸⁸ is a good exposition of the relationship between the issues of a land struggle of the landless and the women's question. The issues of domestic violence, and even of ownership of land by women, have been understood and raised.

In course of the redistribution of land seized by the landless from the Mahant at Bodhgaya the women discovered that to be eligible to receive land :

a man had to be landless or without means of subsistence. But a women was eligible only if, first she was married and widowed, and second, she belonged to a family in which men were landless. The reality is that most women are landless even if their husbands own land. This was not recognised; a woman's eligibility was made to rest on her relationship to a man living or dead ...⁸⁹

Another article has spoken of the womens' successful pressure upon the government to give some land in the name of landless women.⁹⁰

Manushi has also adopted an activist posture attempting to push for correction and amendment of perceived shortfall in existing legislation. Thus we find that Manushi has moved public interest litigation in the following cases:

- a. seeking changes in some sections of the Hindu Minority and Guardianship Act, 1955,⁹¹
- b. seeking changes in the rights of Tribal Women of the Ho Tribe to possess land.⁹²

In the former, a writ petition to the Supreme Court was filed on the 20 August 1982 by Madhu Kishwar, and two women of the Ho tribe - Makibui and Sonamuni - challenging the validity of the law which governs the Ho tribals. By this law Ho tribal women of the Bihar area have no right to inherit the family land and related assets. Women cannot inherit family land - not even in those cases where there is no direct male heir. A widow or daughter is maintained by the male relative who will possess the land. The widow and unmarried daughters who have usufructory rights over the land, are vulnerable to the greed and land hunger of the male relatives and may be made targets of vicious attacks. According to law, women cannot dispose of land; male relatives doing so do not have to seek the permission of the women. In this unfair arrangement Manushi made an appeal to the Supreme Court⁹³

A writ petition under public litigation was also filed in the Supreme Court in June 1986 by Neela Deshmukh and Manushi, challenging as unconstitutional the Hindu Minority and Guardianship Act, 1955, which contains many discriminatory provisions which give precedence to fathers over mothers in matters of guardianship and custody of children. The petition

prays that sections 6, 7 and 9 of the Hindu Minority and Guardianship Act, 1955, be declared violative of the rights of Hindu women under articles 14 and 15 of the Constitution of India. By the sections 6, 7 and 9 of the Act, the father is the natural guardian of a legitimate minor boy or unmarried girl, the mother, the natural guardian of an illegitimate minor child, and the husband the natural guardian of a minor married girl. The public interest petition prays that henceforth both the parents should be considered the natural guardians of their minor children, legitimate or illegitimate, in preference to others, including the spouses of the said minors.

The petition prays that the Court should declare that in case of a dispute, either party may sue under the Guardians and Wards Act 1890, and the welfare of the minor (nor defined as material welfare alone), shall be the paramount consideration in declaring one or the other parent the guardian of the minor.

Manushi has pointed out that by declaring the father the natural guardian, the law sets up a presumption in his favour. This means that whenever there is a dispute over guardianship, the mother has to sue.⁹⁴

There is ample documentation of activism of lawyers and others. The issue of eviction of pavement dwellers

of Bombay in July 1981 in Bombay in which two women Olga Tellis and Indira Jai Singh filed a petition on their behalf has been discussed.⁹⁴

Apart from the conscious attack on women's inequality through legal avenues in the columns of Manushi we also find a careful documentation of institutions, developments, which erode the patriarchal structure. There is a write-up on women's hostels,⁹⁶ there is documentation of women consciously demanding land in their own names, rather their jointly with their husbands;⁹⁷ there is documentation also of a move of the DDA to allot flats jointly in the name of husband and wife.⁹⁸

Editorial comment has been made on all significant issues of the period, ranging from those in which the linkage with women's life-chances is specific such as drought,⁹⁹ violence in elections and public life,¹⁰⁰ women and elections, to issues of general social relevance such as capital punishment, communalism;¹⁰¹ reservations for the other backward classes. This emphasises Manushi's stated policy of being a "journal about women and society".

Similarly, Manushi has attempted to unravel the past in an attempt to understand present day society and its problems. Does history have insights to offer on the complex social issues of significance to women's

status in India today? Can history throw light on the origin of Sati, the dowry custom, the issue of the Ram Janamsthan? What has been the influence of Islam and of the British colonialism on Indian society? These questions, among others, addressed to the eminent historian Romilla Thapar in an interview, aid in understanding the position of women in a complex Indian society.¹⁰² Relevant for the perception of women's place in society is the historian's contention that society often picks up and emphasises some interpretations of some aspects of tradition because those interpretations may, in some way, be useful for it.

The point Thapar makes about a society making a political choice about adopting the tradition which it will hold out, from other given options, is extremely useful for understanding the politics of women's subordination.¹⁰³

In this category of historical writing which enrich our understanding of women's position and subordination, would fall an article¹⁰⁴ by Uma Chakravarty, attempting to analyse the position of women in the Buddhist society in order to discover the roles played by women and the degree of freedom they enjoyed in the three roles of wife, courtesan and bhikkhuni.

In another article,¹⁰⁵ Uma Chakravarty has attempted to turn the spotlight on the labouring women - the dasis - in Ancient India. This is done to extend the traditional studies on women's status in Ancient India which tend to focus on women's high status within families and view it "as an index of their status in Indian civilisation". The whole truth should well comprehend the other perspective too i.e., the low status of the dasis.

This analysis is useful to understand the patriarchal organisation of the society.

An article on "Folklore" by A.K. Ramanujan¹⁰⁶ points out the relevance of folklore as a tool for understanding society, especially the women's perception. Folklores carry within it :

the voice of what is fashionably called the subaltern - the woman, the peasant, the non-literate, and those who are marginal to the courts of kings and the offices of the bureaucrats, the centres of power

An article¹⁰⁷ documents and comments on the life of a ten-year old girl who combines over six hours of work at domestic chores with attendance at school. Attention is also focussed on the inadequacies of teaching and of the curriculum to indicate how little it assists the child in advancing her understanding of the world she lives in, or widening her options for the future.

Manushi has closely examined the controversy which has been generated around the issue of reservations following announcement of the implementation of recommendations of the Mandal Commission. It has critically reviewed the arguments against extending reservations to the other Backward Classes and found them wanting. They are exposed as being more in the nature of protecting the entrenched interests and privilege of the Forward Classes.

In the reservation policy Kishwar would argue for protecting 50% seats within the Other Backward Class quota for women from these classes.¹⁰⁸

In an article, "In Defence of Our Dharma",¹⁰⁹ Kishwar emphasises the diversity, and the coexistence despite differences of religious and spiritual belief which characterises India. She stresses the importance of the true understanding of the cultural roots of Hinduism as the best and most effect counterpoise to the narrow concept of "hindu" nationalism advocated by the BJP-RSS-VHP combine which compromises "the unique space of dissent within the Hindu religious and cultural traditions".

Kishwar is critical of the distortions in understanding the real nature of hinduism. Says Kishwar:

In the name of promoting 'secular' education, the western educated elite has deliberately promoted ignorance of India's rich heritage.

The issue of communal riots specially their adverse effect on the women and poorer sections has been raised in several articles.¹¹⁰

Manushi has attempted to include articles reflecting the state of women's movement in the neighbouring countries, like Pakistan, and in the Asian Countries such as Fiji and even Egypt and Iran.¹¹¹

Manushi has highlighted that occasionally the denial of civil liberties for women may flow from the behaviour of the State itself, as in the case of the Sati incident at Deorala where the State showed itself incapable of enforcing its own laws. There is a sharp indictment of the State, which is held guilty of inaction, and of lacking in political will to deal with the issue.

The incident of Sati was seen as an incident of murder, and was perceived as linked with the general devaluation of women in society. Says Kishwar :

It is important that we demystify it and see it as a case of a woman being hounded to death under a specious religious cover.¹¹²

The article "The Burning of Roop Kanwar", points out that the "existing laws were perfectly adequate to prevent her death",¹¹³ and that the government did not need the additional powers it acquired under the new anti-Sati ordinance of the Rajasthan government to deal with such an incident.

The tendency of governments to arm themselves with additional draconian powers is viewed with suspicion; as these have generally been used to harass the general citizens.

The clause of death punishment for the crime of abetment to sati is perceived as anachronistic when most countries are considering the abolition of the death penalty, for it has proved futile as a way of reducing the crime rate.¹¹⁴ It has the potential of denying individuals in future of their right to life.¹¹⁵

The track record of the State in the field of civil liberties too comes in for criticism:

In fact, our government machinery... is not only corrupt but often outright murderous, witness the Indian police record of atrocities, ranging from the Arwal massacre, to innumerable rapes in custody, to the recent PAC killings in cold blood of arrested Muslims in Meerut.¹¹⁶

Manushi points out that:

Our government has perfected the art of passing draconian laws which it then uses not to solve problems but to acquire additional arbitrary powers and then intimidate the citizenry in general ...¹¹⁷

There is, in Manushi's pages an indictment of the police. That the law keepers themselves have been guilty of denying women their right to life and liberty has been documented in the journal.

There are no illusions about the nature of the police which is recognised as repressive, anti-poor, and as agents of the ruling class in the State.

Time and time again, the police fire on workers who demand their overdue wages. The police attack agriculturallabourers who protest against their bonded conditions. When landless, poor women in Andhra formed groups to fight sexual and other exploitation by landlords, they were attacked by the police and hounded out of their villages. How is it we never hear of police torturing or beating up powerful landlords or factory owners?¹¹⁸

The status quoist police is criticised :

... their function is to protect those in power to torture those who challenge this power.¹¹⁹

Some cases have been reported which have highlighted police brutality. This police violence has been directed at either poor women, or at women and associates who have attempted to organise the poor, the slum dwellers, the landless. Thus Rajasthan Kisan Union's attempts to organise tribal women and the landless farmers on the issue of the poor management of the Famine Relief Programme,¹²⁰ Chattra Yuva Sangharsh Vahini's struggle to implement land ceiling laws in the interests of slum dwellers in Agra,¹²¹ and the attempts by adivasi landless farmers to cultivate the fields of the mahajan in Beldih village of the Santhal Parganas have been met with repression by the State.¹²² These have been documented.

In the columns of Manushi, governmental policies too have come in for criticism. In an article on the Cholera Epidemic, in the resettlement colonies of Delhi in 1987,¹²³ there is a critique of the government's handling of the crisis situation. The health-care policies of the government, notes an article:

With their emphasis on elephantine hospitals and sophisticated equipment, concentrated at a few centres are totally unfitted to cope with people's health care needs, let alone disasters.¹²⁴

The health policies, it is suggested should be redesigned to focus on community-based preventive medicine and on a delivery system that can reach those who need health care the most. More health care workers who should work under the direct supervision of the local self government¹²⁵ were needed. The hutments, the resettlement colonies without potable water and basic minimum sanitation actually were the consequence of the government's lop-sided planning and development policies. Manushi points out :

... hundreds of thousands throng to Delhi and other big cities not for the pleasure of living in slums, but because they find the barest survival impossible in the villages from where they are forced to migrate. The State, claiming as it does, to be omnipotent in economic development, cannot disown responsibility for the destitution which is the direct consequence of its own planning.¹²⁶

While the core of the journal is "change" and "transformation" to overcome the legal and social

'shortfalls' in women's equality, there can be discovered, in the pages of Manushi, a move to press for an "alternative" political arrangement and an alternative politics - or "new politics". This new politics enjoins accountability of state power, decentralisation and a greater participation of the people in local issues.¹²⁷

This envisages a system of community organisations and neighbourhood-based politics where the local populace is able to play a more meaningful role in exerting control over their own lives,¹²⁸ rather than being regulated by large, complex governmental structures, which by their very nature are not, and cannot be responsive. "New politics" also envisages the local populace being able to influence the system with the positive qualities which characterise local politics - greater concern, tolerance and support - which are missing in large-scale organisations. These then can also act as a bulwark against the negative forces which have been released by the working of political parties - such as elections based on money power, elections based on fomenting communalism and elections marked with violence and unfairness.

These suggestions of a "new politics" have developed from a sense of disillusionment and helplessness faced by citizens - a system characterised

by widespread corruption, communalism, violence, and limited State accountability and responsiveness.

"New politics" would de-emphasise all the characteristics of old or traditional politics - i.e., low public participation, secrecy, privacy, compromises and the numbers game.¹²⁹

In course of several articles the issue of accountability of official personnel to the community has been stressed - whether it is the local health worker, the teacher¹³⁰ or even some levels of police officials. Control and accountability of police would also prevent their likely misuse in events of communal unrest.¹³¹

It is suggested in an article :

The only way to make the police accountable to the people is to have elected neighbourhood councils to have complete control over the appointment, supervision and discharge of local police ... This structural change should be kept in mind as a goal
.....¹³²

But even while suggesting responsiveness and accountability of a government rendered unaccountable to the people by the vast powers at its disposal, "new politics" would raise more fundamental questions about the validity and justice of the social and legal arrangements which supports a system unjust to women.

Manushi questions the existing arrangements of society :

What we need to ask ourselves is whether, when we demand justice, it is only implementation of existing law we want? Because even if they were implemented, would that reduce crime, would the criminals suffer in society as the victim does? ... It is not law which determines who is treated as guilty, it is the weight of social opinion. So far, this opinion is heavily biased in favour of male privilege or power. If we are to change this situation, perhaps we need to think seriously not only about the role of the government and police in upholding this power, but also how we, individually and collectively, need to confront this leviathan - the patriarchal State.¹³³

"New politics" will demand new patterns of organisation for struggle, and organisation for change when the unjust system exhibits itself as unresponsive to the special needs and demands for women.

The new patterns of protest and organisation will challenge the existing ones which are not only ineffective, but also heavily biased in favour of the patriarchal arrangements. Actions against cases relating to dowry-deaths, harassment and rape, are often delayed, and often not forthcoming at all. The suggestion made is to bypass the police and the courts and make non-violent and public social protest and use these means to pass judgement on those who are guilty of such crime against women.

"New politics" hints at the totally new and imaginative ways which have emerged in course of expressing anguished protest against perceived wrong - such as the embracing of trees by women of the U.P. hill

region, the beating of thalis to protest against price-rise in Maharashtra in the 1970s, the breaking of liquor pots to protest against drunkenness and wife-beating in Dhulia and Shahada.

These actions will be public, draw public support and depend on self organisation. Women will shun dependence on State agencies, having little or no illusions of their impartiality.

We have learnt the value of women's organised action, we have realised that rights are never given to anyone - they have to be demanded and struggled for. ¹³⁴

The opinion expressed is that in some cases, people's organisations are more effective and successful than State action. Notes Manushi:

Instead of relying on ordinances, stay-orders and the police ... it would be better if local human rights and women's organisations mobilised all concerned persons to offer indefinite satyagraha at Deorala. ¹³⁵

These ideas on accountability of government, and structural changes to match it, and through structural changes to effect a change in the society, as well as the new methods of organisation of bringing these about, are consistent with the idea expressed in the editorial of an early Manushi issue :

Let us examine the whole question, all the questions. Let us not only redefine ourselves, our role, our image - but also the kind of society we want to live in. ¹³⁶

Thus in the pages of Manushi attention has been focussed upon the important issues which have a bearing on women's position in the Indian society.

Manushi has been able to identify and highlight that arena in which the State should initiate legislative changes in the interest of women's equality.

Manushi has revealed too, an understanding that it will need more than legal changes to make this equality effective in practice, and so has taken cognisance of the importance of personal and collective struggle in this task.

Manushi's contribution lies in its building of, and encouragement to this spirit of struggle in overcoming the constraints which limit the utilisation of rights, while yet pressing for change at the formal, legal level.

Part II

Suraksha

After examining the macro-perspective which has been taken by Manushi, highlighting the many dimensions of the women's subordination, we will now turn our attention to Suraksha, a small voluntary organisation

which sprang up around the specific issue of dowry and dowry demands in 1983. This shifts our attention to a narrower frame of reference, i.e., the unit of family, for it is here that the issue of dowry, dowry demands, harassment and often denial of the right of life of a woman may take place.

Suraksha had its inception, as a reaction to the spate of dowry-deaths and bride-burning cases which were being reported in the media and press in the early eighties, and arose as a citizens' intervention to see that such a grave denial of life of a woman should not remain unpunished because of apathy, or slow procedures. They were keen too, to build up a mass awareness around the issue of dowry. They envisaged a role for themselves helping women who had, or were likely to be faced with a problem related to dowry-demand.

The objectives which Suraksha has outlined for itself are :

- a. to educate the general public at large specially on the evil of dowry and its effect upon society;
- b. to aid destitute women who have been affected or are likely to be affected by dowry in all respects, including counselling, and medico-legal, legal and financial aid, resettlement and any other manner as may be decided;
- c. to raise financial aid by way of subscriptions, donations and/or fund-raising projects to supplement the main objectives mentioned above; and
- d. to create an awareness against the evil system of dowry and to actively propagate against dowry demands starting from one's neighbourhood.

In the initial period of its inception, Suraksha appeared to outline a strong interventionist role for itself. This is apparent from these excerpts of an early meeting "... the organisation should see that all cases were registered against the accused and further that adequate care was taken by the police in investigating the case fully and impartially".¹³⁸

Thus they were cognisant of the working of the system where for various reasons such as, ignorance of law, police apathy, or a desire to shield a party, the case may not be adequately dealt with. There was a keenness that the guilty be booked.

The second prong of this strategy to meet dowry-related issues was a sustained campaign at the city level against the dowry issue aimed through workshops at schools and colleges, mohalla and neighbourhood meetings and occasionally even at offices.

At its inception, the organisation, which was registered in 1984, called itself "Dahej Maang Virodhi Samiti, or Anti-Dowry Demand Organisation. However, in the year 1987,¹³⁹ an additional name was acquired by applying for a formal change of name, to the Registrar of Societies, and the body became "Suraksha - Dahej Maang Virodhi Samiti. It also performs the task of a Family Counselling Centre.¹⁴⁰ From an organisation which dealt with eighteen cases in the first three years

of its existence,¹⁴¹ to registering 128 new cases in the twelve month period between April 1991 and March 1992,¹⁴² Suraksha appears as an answer to the needs of the troubled women in and around the city of Lucknow.¹⁴³ Suraksha, presently functions from a centrally located office, which is opened 6 days a week. Suraksha is meticulous about records, and a study will reveal the kind of cases that come before the organisation, and the kind of assistance which may be sought from Suraksha.

- a. Suraksha is available to lend a sympathetic ear and to guide women;
- b. Distress calls made to Suraksha through telephone are responded to. Letters are similarly dealt with, and out-station requests are referred to agencies and groups in the area;
- c. Some basic advice, even of a legal nature, may be given in the office itself;
- d. Suraksha can, if the client desires, mediate in a dispute within a family in order to effect an amicable reconciliation and mutual settlement. The pattern generally followed is to invite both parties to put forward their grievance and their side of the story;
- e. In cases of harassment or violence, Suraksha can assist the woman to lodge the First Information Report and help file a legal notice;
- f. Suraksha counsellors are available to accompany women to the Family Courts. They may help outstation clients keep a track of the date of their hearings in the Courts;
- g. Suraksha may, if it considers necessary, report a case to the Women's Cell of the Police;
- h. Suraksha can, through its lawyers make available sound legal advice to its women clients, assist in the filing for maintenance, divorce or for the return of stridhan;

- i. Suraksha may help to rehabilitate women economically in employment, or assist them in vocational training; and,
- j. Women in distress, without a place to go to, may be temporarily accommodated in a shelter home.¹⁴⁴

Thus advice - practical and legal, and support - moral and legal, are two ways by which women can be aided by Suraksha. Legal advice is free.

Prior to 1986 Suraksha had been dependent upon donations and funds raised by members through assorted fund raising activities.¹⁴⁵ However since 1986, Suraksha has become a receipt of a grant from the Social Welfare Board. It draws this grant as a Family Counselling Centre.¹⁴⁶

The organisational set up envisaged in the Constitution of Suraksha sets up a Managing Committee comprising of seven members elected from the General Body. Currently Suraksha's membership stands at about 50 members.

There are paid counsellors, an accountant and a peon, who perform the day to day tasks of Suraksha. The larger body of members help in the various tasks of Suraksha in modes and manner suitable to them, and also act as conduits for women who may need the assistance of Suraksha.

The paid counsellors work according to a work-plan which also outlines the manner in which the managing committee members can assist in Suraksha activities.

Day to day tasks of Suraksha would include counselling of women who come with family problems, fact finding visits to locations, accompanying women, if necessary, to the lawyers and to Family Courts. The organisation of mohalla meetings, workshops in schools, village work, visits to the shelter home, are also the tasks handled by the counsellors. The counsellors are encouraged to keep a daily diary.

The Managing Committee may step in to assist if required, in course of fact-finding in a particular case. They are in constant touch with the counsellors to meet any problem. The Committee can also help in legal guidance and in conducting workshops in schools and colleges.¹⁴⁷ At the General Body meetings held once a month, the Counsellors may report on particularly difficult cases. Legal implications, or complications may be discussed.

Publicity is an important concern of Suraksha. Its success depends upon the wider dissemination of its idea of anti-dowry marriages, as well as its capability of counselling on people's problems. Publicity efforts have included distribution of leaflets, putting up of large hoardings, printing Suraksha's major purpose,

address and phone number in the local newspapers, encouraging members to have Suraksha sign boards on their homes/gates. Word about the organisation spreads also through the avenue of workshops and mohalla meetings as well as through the medium of the television¹⁴⁸ and newspapers.¹⁴⁹ Cases are brought to Suraksha also through the agency of women who themselves have benefitted from Suraksha's intervention.

An activist of Suraksha is a keen writer on women's issues in local papers and has written also for Dharmayug and the Femina.¹⁵⁰ Other activists have been interviewed in the press as well. Also, Suraksha members and office bearers have participated in programmes on the Television as well.

Suraksha is forthcoming with its comment upon social issues raised in the city. While its sole dharna/rally against dowry demands was organised in April 1986, it has also participated, along with other voluntary organisations in a dharna against crimes against women in the city, in 1991, and in a "March for Peace" in the communally charged atmosphere of Lucknow in November 1990 in wake of activity at Ayodhya.¹⁵¹ It brought out an appeal in the local papers for maintaining secular values.¹⁵² Thus it has helped in raising the awareness level in the city.

Suraksha has been able to build a good supportive network of relationships with government and non-governmental agencies in and around the city of Lucknow. For some of its village development activity, and for the mohalla meetings, Suraksha is aided by the post graduate students of the Social Work Department of the Lucknow University, who may occasionally link Suraksha with their curriculum requirement of project work.

Suraksha has collaborated closely with other agencies in promoting their message. The Civil Defence Organisation was seen as a medium to reach out to the wider public and to collaborate with to set up small watch-dog committees.¹⁵³

It has harmonious relations with the Self Employed Womens Association dealing with chikan craft, the Self Employed Women's Association dealing with zardozi, with the local office of Mahila Samakya¹⁵⁴ and with another Lucknow-based women's group called Akanksha¹⁵⁵

The files show that there have been instances of networking with women's organisations like Saheli, Manushi and Jagori¹⁵⁶. They have referred cases or volunteers to Suraksha. Similarly cases have been referred from Kanpur-based organisations too.

Other local units with which it has contacts are the Manushi Vichar Kendra, Lucknow Thinkers' Council¹⁵⁷ Sehbhagi Shikshan Kendra.

Linkages with the Social Welfare Board and the administration¹⁵⁸ appear harmonious. Suraksha works closely with the police. Cases may be referred to the "Crime against Women Cell" and frequently interventions may be sought from Senior Police Officials.¹⁵⁹

Suraksha files document that cases come to it not only from Lucknow, but from neighbouring cities as well, e.g., from Barabanki, Rae Bareli, Sultanpur too. Complete confidence is maintained regarding the identity and problem of the client. Often women, who out of embarrassment or fear of social comment, hesitate to go to the Suraksha office, even contact members of the organisation at their homes.

Generating awareness around the issue of dowry is an objective listed in Suraksha's Constitution and an important prong of its activity. The organisation therefore attempts to touch the young minds of students of schools and colleges through organising lectures, workshops and street plays. Poster competitions and essay competitions on the subject have also been organised. Adults are sensitised to the dowry issue and social problems through mohalla meetings, and by holding such meetings at offices. Two workshops and one mohalla meeting each month, are specified in the work-plan.¹⁶⁰ It may be useful to quote from the report of 1991-92:

..... nine workshops were held in institutions involving approximately 1200-1500 students The method used for these were role play, street play, discussions and post film viewing discussions. 161

The discussion on dowry in these workshops further leads to other related issues such as economic independence of women, status of women, atrocities upon women, family discord, etc.

To build an awareness on the issue of dowry and the role of state agencies, as well as of society in fighting against it, Suraksha has from time to time organised seminars on topics such as Dowry (1985), Woman, Society and Law (1987), National Perspective Plan for Women (1988), jointly with the YWCA, Lucknow.

Suraksha has made an endeavour to expand its awareness generation programme into rural areas. It has organised two rural awareness programmes - at Phalenda in 1988 and at Kanar in 1989. These seven-day camps mixed the issue of women's rights along with other programmes on health, nutrition, adult education, employment schemes. Films and puppet shows served both to illuminate and entertain. 162

Suraksha's brush with the rural areas while organising the rural awareness camps has resulted in the appearance of another arena of action, i.e., relating to development. Suraksha had organised two rural awareness camps - one at Phalenda between 22 January to 28 January

1988 and the second at Kanar, between 23 February to 1 March 1989.

In the first camp, i.e. at Phalenda, the issues touched upon were health and hygiene, prevention of food contamination, status of women, laws relating to women, family welfare and planning, immunisation, information on governmental plans for women and the economic opportunities available for women. Demonstrations of cookery, sewing, first-aid and home remedies was also done.

In the second camp too, awareness of women's rights, under law, importance of health and hygiene, information on economic activities and an introduction to government programmes for women was given. There were demonstrations of first aid and home remedies, cooking and sewing. Matters of water management, energy management, pollution control were discussed. But whereas the first camp in Phalenda in 1988 culminated in the provision of six sewing machines to women for starting income generation activity, at the conclusion of the Kanar camp, 15 women were motivated to set up their own mahila mandal to discuss issues relevant to their lives.

This major success was followed by the setting up of a balwadi on the 1 April 1989, for adult education for women, and for children between the ages of four and ten. 163

A small programme of training in chikan embroidery for women in six villages was started with the collaboration of the Mahila Kalyan Nigam in May 1990.¹⁶⁴ These trained women are able to obtain work from the Self Employed Women's Association, who have a local production centre in the area.¹⁶⁵ Women are thus able to get a small supplementary income.

A novel break-through was attempted through the establishment of an innovative income-generation programme - the tractor scheme - under a one lakh, fifty thousand grant given by the Social Welfare Board.¹⁶⁶ Under this scheme 45 women of the villages of Kanar Gulabkhera, Sanyasibagh have received a training in tractor driving and cooperatively use the tractor in order to become self-employed wage earners.¹⁶⁷

The value of the tractor scheme lies in the transformation it has been able to make in system where tractor driving is perceived as essentially a male occupation. The consequent mobility of women has contributed to social change. The impact of such innovative activity in villages by Suraksha is that people tend to become more conscious and aware of Suraksha objectives.

Currently Suraksha is in the process of working out the practical application of a project which they have received from the UNICEF for water and sanitation scheme

in 75 villages of the Malihabad, Sarojini Nagar, and Bakshi-ka-Taalab blocks. The project involves working closely with the Jal Nigam, Uttar Pradesh, as well.

The project envisages sinking the hand-pumps, training of local persons - largely women - as mechanics who will undertake repairs on pumps and look to their maintenance in future, setting up of associations of water-users and intervening, through these, in the area of women and health, general sanitation, hygiene and legal awareness.

Suraksha volunteers made a survey of villages to identify those which have to be touched by the programme. While Jal Nigam, U.P. is incharge of sinking the pumps and teaching repair and maintenance work, Suraksha will be closely involved with the other aspects of the programme. Women, it is envisaged, will be closely involved both in learning repairing skills as well as in the pani panchayats for water usage. The tentative approach is to have five teams - each of which will include two Jal Nigam workers, two resource persons linked to Suraksha, and four paid helpers trained and oriented for this kind of voluntary intervention by Suraksha.

Another programme on the anvil is that of a "Women's Resource Centre", funding for which is expected to come from OXFAM. Under this scheme Suraksha

envisages its own growth as a core organisation which will act as documentation centre and as a disseminator of information to other non-governmental agencies in the area. It envisages a training programme by which counsellors from other voluntary organisations can be trained for counselling. There is a proposal of setting up a para-legal training programme which will supply the basic modicum, of legal literacy which may be useful in the field areas. This can be kept open for workers of other voluntary organisations active in remote rural areas as well. However the project of the Resource Centre does not include the building up of any income-generation activities for women.

Suraksha reports also indicate a desire to expand its range of activities. The report of 1991-92 states :

We have to start thinking of Suraksha in larger terms ... Unless we grow and develop ... a vision of the [sic] resource centre for women at State level we will fall behind. It is necessary to look for other funding avenues to render services more professionally and efficiently. 168

Thus Suraksha has been active both the field of social awareness as well as in the field of developmental activity. Suraksha has established its credibility as having contributed positively in family related counselling even in the eyes of the State. Says the Annual Report of 1991-92 :

Since last year the managing committee members have also been assisting the family courts as social counsellors in Lok Adalats. 169

Recently, when the Social Welfare Board disbanded their counselling services, their pending cases were shifted to Suraksha.

Through its actual interventions Suraksha has been able to develop a critical perception not only of law but also of its implementation.

On a general level there is a comment about the delay in releasing annual grants by the Social Welfare Board. There is also a critical opinion expressed about the absence of sensitivity of the Police in the handling of women's cases.

The Suraksha activists are generally of the opinion that Family Courts are slow, reconciliation-oriented rather than women oriented and that judges do not appear to fully utilise their extensive powers in favour of obtaining a better deal for the harassed women who appear before them. 170

In their recommendations on the National Perspective Plan for Women, Suraksha (with YWCA, Lucknow), recommended, among other things, that :

All investigations for special family courts cases should be time-bound and the procedures should not extend beyond six months. 171

It was also pointed out that :

Maintenance cases despite the establishment of Family Courts to provide speedy justice, lie pending in the court for several years.¹⁷²

Thus State agencies set up to facilitate justice for women tend to be backward in this task. This understanding had led Suraksha to draft a petition to the Administrative Judge,¹⁷³ suggesting remedial measures for the efficient functioning of the Family Courts as well as for the prevention and avoidance of unnecessary harassment to women who appear before the Family Courts.

The Lok Adalats too tended to push through cases without really going into the sensitive nature of the issues, the emphasis being laid more on the number of cases decided and closed.

Suraksha has pointed also to the lacunae in the procedures which may defeat and nullify the advantage granted by law. Maintenance is a case in point. While the Courts can grant maintenance, yet there is no machinery by which its regular and full payment may be ensured for the woman.¹⁷⁴ To demand resumption of payment, the woman will have to go through the tedious legal procedure once again.

Suraksha draws attention also to loopholes which work against women's interests. A delaying tactic is to

get a case transferred to the Court of another judge.¹⁷⁵ Filing a case for the custody of the child after divorce or separation has been granted, is another ploy to avoid payment of maintenance of children.¹⁷⁶

Suraksha would like the Courts to take up the responsibility of enforcement of judgements in the interest of women. Says Bhatia :

Implementation of Court judgements should be the responsibility of the Court.¹⁷⁷

In Suraksha's comments in the press and presentation in reports and seminars etc., there is apparent a criticism of the police in their treatment of dowry-death/wife-murder cases. Suraksha activists point out that the police, overburdened with law and order problems, give low priority to the deaths of women in families.

They point to procedural rules which may upset the course of justice.¹⁷⁸ For example, there may be the conscious suppression of a dowry-death case by the police. The police may occasionally join up with the woman's marital family and may suppress evidence with the objective of weakening the case during investigation itself.¹⁷⁹ There may be grave delays in the preparation of charge-sheets. This laxity may work against justice for women. The police often reveal a rich class-police nexus. Cases of false post-mortem reports are not

unknown.¹⁸⁰ There may be unusual delays in obtaining reports of the medical examination of the viscera which is conducted at Agra.

The Suraksha Counsellor points out that often they are unable to get immediate information from the police regarding the exact location in the city of a reported case of a woman's death.

However Suraksha, on the basis of its own investigations reacts in the press against police action of bypassing or suppressing incidents of women's deaths in suspicious circumstances.

It has also often made independent appeals to the District Magistrate or the Director General of Police to plead for independent investigations and further impartial inquiries.¹⁸¹ The Suraksha Counsellor feels that an ideal situation for effective intervention in dowry deaths would be one where the voluntary organisation would get the recognition and authority (backed by personnel and even police), to investigate women's death/murder cases.¹⁸²

Since dowry was the core issue around which Suraksha had developed, many discussions were held upon the issue to identify lacunae in legislation. In a letter to the Prime Minister¹⁸³ in May 1983, the following suggestions were made :

- a. Bail should not be given in case of dowry murders,
- b. The definition of dowry should include waste and ostentation in marriages, and, this should also be legally prohibited.¹⁸⁴

It was suggested that each case of suspected bride-burning should be officially probed by the C.I.D., that there should be special police cell for dowry cases and also more protective institutions and working women's hostels. Other suggestions related to an emphasis on women's education especially in rural areas, inclusion of discussion on dowry and marriage in the Social Studies curricula of schools, and the setting up of a special committee at the Centre to investigate the issue of dowry from the social, economic and legal angles.

Provisions of the Dowry Prohibition Act which fail to set up a ceiling on the provision of gifts to the bride have been criticised. The legal sanction on gifts to the bride, provided their value is not excessive of the financial status of the giver, and provided they are entered in a list, which is signed by the bride, her father and the bridegroom's father, has been criticised. It is seen as imparting a legality to the giving of dowry.¹⁸⁵

The issue of punitive action against the dowry giver, is also raised by Suraksha. Says Bhatia :

Whenever a case of dowry death, emanating from dowry demand is taken up and the parents of the woman state to the police or in the courts that

they had earlier paid ...to fulfil dowry-demands -- they should also be booked for propagating dowry demands. Society has come to realise that a giver of dowry (when it is demanded) is equally responsible for the subsequent/ultimate crime.¹⁸⁶

Moreover the dowry issue is now being perceived in its logical connections with the issue of women and inheritance. This understanding of the issue in its wider ramifications will generate a more comprehensive, more realistic discussion on the issue rather than one based on the moral and normative assertions about the 'evil of dowry'.

Identifying the wider roots of dowry will greatly assist the voluntary organisation to make programmes and projects to strike at those roots.

Recommendations, made by Suraksha from time to time would highlight the perception Suraksha has about the kind of environment Indian women should be able to enjoy. Most of these recommendations are in the shape of concrete suggestions to the State which the State is competent to legislate upon. Some of these insights of Suraksha have been drawn from their actual field experiences and counselling activity. One recommendation relates to the compulsory registration of marriages. This they feel will take care of quite a few controversial and problematic situations. They point out:

child marriages would not be as common and frequent as they are even today; disputes as regards the legality of marriages would automatically be eliminated, dowry issues would be taken care of, to a certain extent, specially if registration of lists become a practice; bigamy cases would be on the decrease....¹⁸⁷

Some other recommendations are of far-reaching importance vis-a-vis women's position in the eyes of law. They are:

A common civil code be devised for all citizens of India and all personal laws should be made obsolete. This code should give equal rights of inheritance together with equal rights to matrimonial property. Women should have a right to stay in the matrimonial home in case of matrimonial dispute and [of] protection from harassment by their husbands by way of an injunction on the lines of English Matrimonial Homes Act 1967 and the Domestic Violence Act 1976.¹⁸⁸

Their recommendations also highlighted the importance of house work:

Domestic work should be given recognition and be regarded as positive economic contribution to the family. This should be definitely considered in cases of maintenance or divorce.¹⁸⁹

The issue of women in family has not been seen without an appreciation of the backdrop of the patriarchal society in which it is located. Critical references have been made about the misuse of the amniocentesis tests. Suraksha is actively considering an initiation of a public interest litigation appealing for legislation in U.P. to ban the uncontrolled use of the amniocentesis tests in private clinics for these are likely to have grave consequences for the life chances

of the unborn female population, as well as for the sex ratio in the nation which is already adverse for women.¹⁹⁰ Comments have also been made upon the non-application of the Equal Remuneration Act.¹⁹¹

A critical evaluation of Suraksha shows that today Suraksha appears to have adopted a two-pronged approach -- one falling under the broad rubric of dowry-related, family-related counselling, and the second relating to development activity in the rural areas.

To an outside observer they appear quite separate and a little difficult to reconcile. Suraksha however maintains that development activity has emerged as a consequence of a felt need. It appears that the rural awareness camp of 1989 was the intervention which has later evolved into income generation and development activity. However the development orientation of the Suraksha workers was apparent in the first camp at Phalenda. The problems they had identified during the camp were:

- (a) a completely degenerated road to the village;
- (b) dire paucity of drinking water;
- (c) lack of irrigation facilities;
- (d) no existing governmental medical aid;
- (e) one poorly managed primary level school for the entire village;
- (f) poor families with a large number of children; and,
- (g) lack of opportunities for women.

None of these related to the issue specifically of dowry and dowry-related awareness. Also, the linkage to any social problem or to any socio-economic realities of the area was slender. No observations were made of the caste composition, class composition or dowry patterns existing among different castes in the area.¹⁹²

At Suraksha, the justification of reconciling the UNICEF scheme of handpumps with women's development appears somewhat laboured. However its linkages with women's awareness, women's training for hand-pump repair work and maintenance, are the expressed rationale for linking it with Suraksha's objectives of assisting women.

Suraksha members too admit that the two pronged approach at social change - counselling and development - has led to difficulty in management, and also sometimes resource constraints. However these problems are not perceived as unsurmountable.

A question may be raised. Is the women - in development approach accompanied by any decline in the numbers of dowry/family - related problems being brought to Suraksha? However the figures and the report of the year 1991-92 do not support such a hypothesis.

Another possible explanation for Suraksha branching out into development could be that the organisation

feels compelled to involve in activities and programmes which may be observed as evidence of work accomplished. This specially, since the body draws on state grants and has a degree of accountability.

The very nature of Suraksha's tasks - counselling¹⁹³ advising, mediation, efforts at reconciliation, conducting of workshops, generating awareness on women's issue - are such that they do not show effectively on paper,¹⁹⁴ and therefore it is likely that Suraksha is reaching out to programmes which can be seen and observed and evaluated.

However Suraksha activists do not accept this hypothesis for explaining a change in approach from counselling to development. Their explanation remains that development activities emerged from perceived lacunae and felt needs in the rural areas. Another possible explanation for the emphasis on developmental activity relates to a natural readiness of good active voluntary organisations to engage in honest professional tasks of social improvement and the tendency of funding agencies to seek out committed voluntary organisations to take on their projects. Thus sometimes funding agencies may have worked out projects which need to be implemented and at other times voluntary agencies may have plans which funding agencies may be willing to underwrite.

The projected UNICEF hand pump scheme, and the tractor scheme of Suraksha could probably be explained in this way.¹⁹⁵ But at present village activities do not draw any special financial support. Presently all activities, urban-based and rural-based, are funded by the grant Suraksha receives as a Family Counselling Centre. Therefore the explanation that the availability of funds explains Suraksha's development thrust, too does not seem fully justified.

In the working of Suraksha we discover that there is an understanding of the realities of the subordinate location of women within the family. It has generated an understanding of the laws relating to women and family, as well as highlighted the lacunae within them and in their implementation. There is a positive effort at helping to educate people on the issue of women's legal rights, as well as helping to build women's own autonomy and self-esteem. There is a stress upon the role that the local mohalla, neighbourhood and citizens can play in the issue of bringing into the public eye, the harassment of women within families. There is an effort in small ways towards creating avenues of economic independence for women.

Thus Suraksha has served not only those with whom it actually comes in touch with immediately, but also as an agency of social change. Suraksha has been able to

build space for weak and vulnerable women. Through counselling it has helped the women psychologically and emotionally. Through its pattern of discussing harassment and family problems, Suraksha acts as a support to the women, and thus gives them some advantage and moral support in fighting for better deal in a marriage or for bargaining for a fair settlement in case of an enstrangement. Suraksha has, since its inception, been able to make a pioneering, path-breaking venture in the sensitive area of family and law and has been able to establish credibility for itself.

Persual of Suraksha files offers an interesting insight that womens oppression within families - harassment, violence and even death cuts across economic classes. The Suraksha files offer empirical proof of the reality of womens subordination in the Indian society.

Part III

An Analysis

Treatment of womens issues by Manushi is on a panoramic scale - the economic, social legal political aspects are all included. It attempts to educate and inform about women's conditions as well as about women-

in-movement. Struggles, protests are an important concern for Manushi.

In Suraksha on the other hand, the issue is specific and demarcated. It is an anti-dowry demand organisation and a family counselling centre. On the positive side it has women's education for anti-dowry consciousness. It has gravitated into development issues.

In the columns of the former there is a sharp critique of the state. There is a call for changes in the Hindu Succession Act, Guardianship Act, inheritance rights for tribal women and a call for a uniform Civil Code, which will give women justice. In an activist posture there is use of social action litigation. There is also a documentation of protest struggle, and an implicit sanction of these methods for change.

In Suraksha a critical stance towards the police is becoming evident, there is a pointing towards lacunae in law relating to women and family issues. However the aspect of struggle and protest against the system does not come out very sharply. The anti-dowry protest against a dowry demand case took place in 1986. There is certainly a critical perception towards state and its agencies, but not an overt expression of this in the form of a dharna, or struggle.

Even on their development projects while there is certainly an effort at aiding to create economic independence and literacy but there is no push towards helping them in understanding the roots and interconnections of their economic and social backwardness.

NOTES

1. Initially Manushi was brought out in Hindi as well, but since 1987, the Hindi edition has been discontinued.
2. August-September, 1977. This group lasted only a few months because the initiators of the group became involved in the publication of Manushi.
3. In the recent past Manushi has also published a book entitled "Gandhi and Women" authored by Madhu Kishwar, translated and published a collection of short stories, written on street-play entitled "Roshni" and brought out an audio-cassette.
4. Manushi - a brief Introduction (New Delhi : Manushi Prakashan, 1987), p.3.
5. Ibid., p.2.
6. Ibid., p.2.
7. Ibid., p.21.
8. The following discussion on Manushi is based on a review and examination of the journal Manushi brought out by the Manushi group.
9. Manushi - a brief Introduction, op.cit., p.3.
10. Ibid., p.2.
11. Ibid., p.4.
12. Ibid., p.4.
13. Formally Manushi is run by Manushi Trust comprising of four members which takes the form of a parent-body. This Trust is only to provide a non-commercial, non-individual form of ownership.
14. It is hoped that the publication of some other relevant and useful material in Hindi will lay the groundwork for the eventual reappearance of a self sustaining Hindi Manushi. These hindi publications include a street play, Roshni, Kishwar Naheed's poems, Sharanjit Shan's autobiography, and an anthology of significant articles from the earlier editions of Manushi. Pamphlets on health and legal self-help are on the anvil. Introduction, op.cit., .14.

15. Manushi, No.2, March-April, 1979, inside cover.
16. Introduction, op.cit., pp.10-11.
17. Manushi, No.2, March-April, 1979. See inside front cover.
18. Ibid., inside front cover.
19. See inside of the back cover Manushi, No.7, 1981. Efforts was made to make the journal available to readers who could not afford even the subsidized rates of subscription.
20. See, anushi, July-August, 1980, inside of front cover page.
21. A reader's letter to Manushi, No. 63-64, March-June, 1991, p.37.
22. See, Editorial "How we look at it", Manushi, No.2, March-April 1979, p.2.
23. Madhu Kishwar, "Why I Do Not Call Myself a Feminist?" Manushi, No.61, November-December 1990, 1991, pp.2-8.
24. Madhu Kishwar, alongwith Ruth Vanita is a founding member of Manushi and has been editor of Manushi since its inception. Articles written by Madhu Kishwar can in a way be perceived as establishing the ideology of Manushi. However Manushi has always been open to discussion and debate, and criticism on views put forth in the journal.
25. Kishwar, "Why I Do Not Call Myself a Feminist", op.cit., p.2.
26. Ibid., p.3.
27. Ibid., p.6.
28. Ibid., p.2.
29. Introduction, op.cit., p.2.
30. Ibid., p.1.
31. Says, Kishwar, "Even if for the foreseeable future, change in laws will effect the lives of a small minority, it does become a pointer in the direction from which overall changes need to come". See "Pro-Women' or Anti-Muslim? The Shahbano Controversy", Manushi, No.32, January-February 1986, p.13.

32. Moreover there has been an attempt to clarify the role of women's movement with other influential movements, like the working class movement, the environment and ecology movement and the civil liberties and democratic rights movement. This perspective not only prevents the ghettoisation of the women's movements but also ensures its momentum by making it part of the other influential movements of social change. This intermeshing will become clear from the following discussions.
33. An editorial pointed out to the similarities and commonalities of women's oppression and protest. "While on the one hand sexual violence and atrocities on women are increasing, there are promising signs that women are beginning to demand Our Right to Our Bodies. This issue seems to have the potential of uniting women irrespective of class, caste, religion. Isn't there a lot in common between the slogans raised by the University women's morcha against eve-teasing in Delhi and what the dalit women have to say about their organisations against rape?". See Manushi, No.2, March-April 1979, p.3.
34. "We need your response", Manushi, No.7, 1981, p.43.
35. Some relevant articles are :
- Our Rights and Wrongs : "Bigamy Legalized", No.2, March-April 1979, p.35-36;
- Our Rights and Wrongs : "Rape - The Victim is the Accused", No. 4, December 1979-January-February 1980, pp.42-56;
- Our Rights and Wrongs : "When is Murder not Murder?", No.6, July-August 1980, pp.38-41;
- Our Rights and Wrongs : "Savitri is in Prison Because She is a Girl", No.10, 1982, pp.12-13;
- Our Rights and Wrongs : "A Discussion On the Proposed Amendment to the Marriage and Divorce Laws", No.11, 1982, pp.30-40;
- The Bills to Amend the Rape and Dowry Laws - Mending or Marring ?, Vol.3, No.4, June-July 1983, 27-30;
- Lucy Carroll : "Register Marriages Under the Special Marriage Act", No.33, March-April 1986, pp.21-22;

Renuka Vishwanathan : "Blatantly Discriminatory - The Law on Adultery", No.34, May-June 1986, pp.17-19;

Mary Roy, "Who Should Throw the First Stone?", No.34, May-June 1986, pp.37-38;

"Who is Afraid of the Supreme Court?", No.42-43, September-December 1987, pp.45-46;

"A Wife's Right to Maintenance : The Subanu Case", Manushi, No.41, 1987, pp.37-38; and,

"Using Women As a Pretext for Repression -The Indecent Representation of Women (Prohibition) Bill", Manushi, No.37, November-December 1986, pp.2-8.

36. Madhu Kishwar, "Pro-Women or Anti-Muslim ? : The Shahbano Controversy", Manushi, No.32, January-February 1986, p.13.
37. Madhu Kishwar, "Some Aspects of Bondage : The Denial of Fundamental Rights to Women", Manushi, Vol.3, No.2, January-February 1983, pp.31-37.
38. Article 31 giving the Right to Property was taken out of the list of fundamental rights by a constitutional amendment made in 1979.
39. Madhu Kishwar, "Unpaid, Unrecognised : Women Speak About Housework", Manushi, No.2, March-April 1979, p.38.
40. Madhu Kishwar, "Some Aspects of Bondage", op.cit., p.34.
41. Raka Sharma, "The Lines on Their Palms are Worn Away : Report on Agarbatti Makers", Manushi, Vol.3, No.3, March-April-May 1983, p.21.

Also, Molly Mathew, "Constant Underemployment : Women in Kerala's Coir Industry", Manushi, No.9, 1981, pp.27-29.

42. "They Give us Light but Live in Darkness : A Survey Report on Coal Mine Workers", Manushi, No.4, December 1979 January-February 1980, pp.55-60; Sulabha Brahme, "The Growing Burdens of Women : Porter Women in Pune", Manushi, No.6, 1980, pp.47-57; Usha Rani Varun and Amar Singh Suman, "All that Glitters is not Gold : Women Bangle-Makers of Ferozabad", Manushi, No.41, 1987, p.34, and many others.

43. Vimal Ranadive, "Women in the Cashew Industry : Among the Lowest Paid Workers in Kerala", Manushi, No.12, 1982.
44. Rachel Grossman, "Women in the Integrated Circuit : A Report from South Asia Chronicle", Manushi, No.4, December 1979-January 1980, pp.48-53.
45. Mira Savara, "Factory and Home - The Contrary Pulls: Lives of Women Workers in the Textile Industry", Manushi, No.12, 1982, pp.14-20.
46. Madhu Kishwar, "Pro-Women or Anti-Muslim ?", Manushi, No.32, January-February, 1986, p.13.
47. A daughter's rights are severely circumscribed in comparison to sons. A son, from the moment of his birth, is considered a co-parcener, that is an equal owner of the family's joint property with other male members. A daughter cannot be a co-parcener in a Hindu undivided family. She can get only a portion of what her father inherits if and when the property is divided. An unmarried daughter has a right to maintenance from the family property. But once she marries, she has no right to maintenance from her natal family's property, not even if she is divorced, abandoned or widowed. In the father's self-acquired property, a Hindu daughter is supposed to have an equal share if he dies without making a will. Even when a father dies without making a will, daughters are usually pressured into signing away their rights in favour of their brother. Also it has been pointed out that fathers have the right to convert self-acquired property into joint property, in which case the daughter is denied equal inheritance as a brother. See, Ibid.
48. It may be important to recall that Manushi's analysis for the elimination of the dowry problem has been linked with ensuring inheritance rights for the daughter.
49. Madhu Kishwar and Ruth Vanita, "Inheritance Rights for Women : A Response to Some Commonly Expressed Fears", Manushi, No.57, 1990, pp.1-15.
50. Ibid., p.1-15.
51. In 1985, the Supreme Court struck down the Travancore Christian Succession Act and declared that the Syrian Christians would be governed by the Indian Succession Act. See, "Who's Afraid of the Supreme Court ?", Manushi, No.42-43, 1987, pp.45-46.

52. See, "Mine Workers Resist Retrenchment", Manushi, No.38, January-February 1987, p.21; Also see, Ramanika Gupta, "Cheating Women out of Jobs : A Report from the Collieries of Dhaka", Manushi, Vol.3, No.2, January-February 1983, p.43; and Sujatha Goṭhoskar, "Pushing Women Out : Declining Employment of Women in the Organised Industrial Sector", Manushi, No.65, July-August 1991, pp.10-20.
53. Madhu Kishwar and Ruth Vanita, "Inheritance Rights for Women", Manushi, No.57, March-April 1990, pp.2-27.
54. Berny Horowitz and Madhu Kishwar, "Family Life of Agricultural Labourers and Small Farmers in Punjab", Manushi, No.11, 1982, pp.2-18.
55. "Nutrition and Energy Expenditure of Poor Women", Manushi, Vol.3, No.3, March-April, 1983, pp.33-34.
56. Kishwar, "Some Aspects of Bondage : The Denial of Fundamental Rights to Women", op.cit., p.31; Horowitz and Kishwar, "Family Life - The Unequal Deal", op.cit., p.2.
57. Incidents of rape, as well as protests around the issue of rape have been documented. "Baghpat : Police Run Amok", Manushi, No.6, July-August 1980, p.20; "Medical Students Rape Woman Patient", Manushi, No.12, 1982, p.38; Sohaila Abdulali, "I Fought for my Life and Won", Manushi Vol.3, No.4, June-July 1983, pp.18-19.
58. Tukaran Vs State of Maharashtra (1979). Thirteen year old Mathura was raped in police custody on the 26 March 1972. The Sessions Court had held the accused police-rapists not guilty. But the High Court had reversed the judgement. However the Supreme Court held the policemen-rapists not guilty. See, "Rape : The Victim is the Accused", Manushi, No.4, December 1979-January 1980, pp.42-46.

There had been issues of custodial rape which had agitated women and generated a spirit of protest. Rameeza Bee incident of 1978 and Shakila Bee incident of 1980. For the former see Editorial, "Why Can't We Report to Each Other", Manushi No.7, 1981, p.3, for the latter see, "A Report : Another Police Victim", Manushi, No.4, December 1979-January 1980, pp.30-32.

59. "Rape : The Victim is the Accused", See Manushi, No.4, December 1979-January 1980, pp.44-45.
60. Ruth Vanita, "The Bills to Amend the Rape and Dowry Laws - Mending or Marring", Manushi, Vol.3, No.4, June-July 1983, pp.27-30.
61. Ruth Vanita points out, "... the bill came into existence only as a result of a sustained press coverage of rape cases, and unjust trial for rape cases". See, Ruth Vanita, Ibid. p.28.
62. "Our Rights and Wrongs : The New Rape Bill - Legislating Rape "Out of Existence", Manushi, No.7, 1981, pp.38-45.
63. "Torture is Abetment to Suicide : Supreme Court Sets a New Precedent", Manushi, No.54-55, September-October-November-December 1989, p.22.
64. Rupande Panalal, "When a Poor Woman Gets Raped", A Report from Bombay, Manushi, No.60, September-October 1990, pp.34-36.
65. Manushi points out that it was Mahila Dakshata Samiti which was the first to highlight that the so-called suicides and accidental deaths of young brides were often dowry murders. The Samiti was the first to produce documented evidence of this and to organise a marcha on the issue in Delhi in November 1978. See, "A Woman's Calendar : Little Knowledge More Prejudice", Manushi, No.7, 1981, pp.46-49.
66. See Manushi, No.8, 1981, p.5.
67. R.V., "Are In-Laws Alone Responsible for Neelam's Death", Manushi, Vol.3, No.4, June-July 1983, p.7;
 A.S. Geetha, "Dowry - Spreading Among More Communities", Manushi, Vol.3, No.4, June-July 1983, pp.31-32;
 "Forum Against Oppression of Women, 'Muslim Women Protest', Report from Bombay", Manushi, Vol.3, No.3, March-April 1983, p.31;
 B.K. Renuka, "Anti-Dowry Action : Report from Bangalore", Manushi, Vol.3, No.3, March-April 1983, p.31;
 Madhu Kishwar, "To Ensure Her Happiness or to Disinherit Her", Manushi, No.34, May-June 1986, pp.2-13;

Madhu Kishwar, "Rethinking Dowry Boycott", No.48, September-October 1988, pp.10-13;

Madhu Kishwar, "Towards More Just Marriages : Continuing the Dowry Debate", Manushi, No.53, July-August 1986, pp.2-9.

68. Says Kishwar, "... a social practice cannot be eradicated if people continue to consider its observance vital to their interests and status in the community. Stringent laws penalising it will only remain ineffective or at the best make the practice assume disguised forms". See, "To Ensure Her Happiness or to Disinherit Her", Manushi, No.34, May-June 1986, p.12.
69. Ibid., p.12.
70. Ibid., p.2.
71. Ibid., p.4.
72. Ibid., p.4.
73. Ibid., p.12.
74. Ibid., p.12.
75. In search of Answers : Indian Women's Voices from Manushi, eds., Madhu Kishwar and Ruth Vanita (Delhi: Horizon India, 1991). This book which contains a selection from the first five years of Manushi, has the following dedication : "To all those women of India, some known, but mostly unknown, whose lives have been devoted to the struggle for freedom and dignity".
76. "Seethalaxmi She Refused to Bend or Break", Manushi, No.18, October-November 1983, pp.2-7; "Sumitra ... One of Many", Manushi, Vol. 3, No.2, January-February 1983, pp.17-20; "Laro Janko : She Works for Poor Women's Rule", an Interview by Madhu Kishwar, Manushi, Vol.3, No.4, June-July 1983, pp.8-12; Poonam Kaul, "Bimla : A Profile in Resourcefulness", Manushi, No.46, May-June 1988; "Yashoda's Fight for Her Cattle", Manushi, No. 41, July-August 1987, p.38, and Satyarani Chaddha's personal quest for justice against the dowry-death of her daughter, Shashibala. See Editorial, "Why Can't We Report to Each Other?", Manushi, No.7, 1981, pp.2-6.
77. See, Madhu and Ruth, "An Irrepressible Spirit : An Interview with Ismat Chughtai", Manushi, No.19, November-December 1983, pp.2-7, and "A Grand Old

- Lady of Music : An Interview with Asghari Begum", Manushi, Vol.3, No.3, March-April-May 1983, pp.8-10, and L.C. Jain, "Kamladevi : An Epochal Life", Manushi, No.53, July-August 1989, pp.10-17.
78. "Geethalaxmi...", op.cit., No.18, October-November 1983, p.2.
 79. Sunder Lal Bahuguna, "The Chipko Movement : Women's Non-Violent Power", Manushi, No.6, 1980, pp.34-37; and Gopa Joshi, "Protecting the Sources of Community Life : Slandered by the Community in Return", Manushi, No.7, 1981, pp.22-24.
 80. Sudesh Vaid, "Breaking Fear's Silence", Manushi, March-April 1979, p.6-8.
 81. Ela Bhatt, "SEWA Women Break free from Parent Body", No.8, 1981, pp.13-15.
 82. Subhash Mendhapurkar and Lina, "For a Life Without Fear : Women Organise in Himachal Pradesh", Manushi, No.39, March-April 1987, pp.29-36, and also "It's About Changing Our Lives : Himachal Women Organise", Manushi, No.40, May-June 1987, pp.28-37.
 83. Ms C.B. Muthamma, the first woman Indian Foreign Service officer, had filed a writ petition against the Foreign Secretary and the Government of India for hostile discrimination against women, when her promotion to Grade I had been deferred and she had been superceded. See, "She Made Common Cause With All Women", Manushi, No.4, December 1979-January-February 1980, pp.25-28.
 84. Ruth Vanita, "A School Teacher's Fight for Justice and Dignity", Vol.3, No.2, January-February 1983, pp.21-22; Madhu Kishwar, "Sexual Harassment : Ways to Obtain Redressal at the Workplace", Manushi, No.68-69, March-April 1992, pp.17-19. Says Kishwar, "Lack of security from sexual harassment adversely effects our fundamental right to earn our livelihood", p.17.
 85. Mira Savara and Sujata Gothoskar, "Organising Landless Women in Maharashtra", Manushi, No.
 86. Mani Mala, "Zameen Kenkar? Jote Onkar : The Story of Women's Participation in the Bodhgaya Struggle", Manushi, Vol.3, No.2, January-February 1983, pp.2-7.
 87. Savara and Gothoskar, op.cit..
 88. Mani Mala, op.cit., pp.2-16.

89. Ibid., p.15.
90. Alaka and Chetna, "When Women Get Land : A Report from Bodhgaya", Manushi, No.40, 1987, p.25. Though only 150 acres of 1500 acres seized by the government from the land illegally held by the Math was distributed to women, its symbolic importance is considerable.
91. Law - "Is Father a "Natural" Guardian ? Hindu Guardianship Act Challenged", Manushi, No.35, July-August 1986, pp.32-36.
92. Madhu Kishwar, "Challenging the Denial of Land Rights to Women", Manushi, Vol.3, No.1, November-December 1982, pp.2-6. This is a letter of Kishwar to Justice Bhagwati, Chairman of the Committee for the Implementation of Legal Aid. Also see, "Tribal Law", Manushi, No.57, March-April 1990, p.15.
93. The petition reads : "In the absence of any valid statutory regulations providing for succession rights to land for Ho tribal women, the least that needs to be ensured is that these women get the benefit of the constitutional rights of all citizens. Considering that the bulk of the labour performed on the family land is done by women, common law rights as applied to family assets and their apportionment to individual members require that women's labour contribution be recognized as determining their share on the family land". Madhu Kishwar, "Challenging the Denial of Land Rights to Women", op.cit., November-December 1982, pp.2-6.
94. "Is Father a "Natural" Guardian ? Hindu Guardianship Act Challenged", Manushi, No.35, 1986, pp.32-36.
95. See, Madhu and Ruth, "Two Women Fight a Historic Case Against Forced Eviction of Pavement Dwellers in Bombay", Manushi, No.9, 1981, pp. 8-11.

There is discussion with activists on the issue of eviction and clearance of some slums areas of Bombay in 1986 too. See, Manushi, No.36, September-October 1986, pp.2-13.
96. Susie Tharu, Rama Melkote, "Living Outside the Protection of Marriage : Patriarchal Relations in a Working Woman's Hostel", Manushi, No.9, 1981, pp.30-33.

Also, A Report from Saheli, a woman's organisation in Delhi, "Supreme Court Upholds Woman's Right to Live Independently", January-February, pp.22-23.

97. Alaka and Chetna, "When Women Get Land : A Report from Bodhgaya", Manushi, No.40, 1987, p.25.

Also, Jacquelin Winters, "Land in Women's Names : An Experiment in Thanjavur", Manushi, No.44, January-February 1988, pp.10-

98. Rita Manchanda, "Special Report : DDA Move for Joint Allotments", Manushi, No.39, March-April 1987, pp.27-28.

99. Editorial, "Drought - 'God Sent' or 'Man-Made' Disaster?, Women the Worst Victims", Manushi, No.6, July-August 1980, pp.2-7.

100. Madhu Kishwar, "Violence and 1989 Election : Implications for Women", Manushi, No.54-55, September, October, November, December 1989, pp.2-8.

101. Madhu Kishwar, "In Defence of Our Dharma", Manushi, No.60, September-October 1990, pp.2-15.

Madhu Kishwar, "Ways to Combat Communal Violence : Some Thoughts on International Women's Day", No.62, January-February 1991, pp.2-10.

102. See, "Traditions Versus Misconceptions", Romila Thapar talks to Madhu and Ruth, Manushi, Nos.42-43, 1987, pp. 2-14.

103. Ibid., p.2.

104. Uma Chakravarty, "The Rise of Buddhism as Experienced by Women", Manushi, No.8, 1981, pp.6-10.

105. Uma Chakravarty, "The Myth of the Golden Age of Equality : Women Slaves in Ancient India", Manushi, No.18, October-November 1983, pp.8-12.

106. A.K. Ramanujan, "Who Needs Folklore?", Manushi, No.69, March-April 1992, pp.2-16.

107. Poonam Kaul, "Anita a Working School Girl", Manushi, No.53, July-August 1989, pp.26-39.

108. The issue of reservations has been discussed in great detail in Manushi, Nos.63-64, March-June 1991; See, Dinesh Mohan, "Imitative Suicides?", pp.31-33; Madhu Kishwar, "Instigation of Hysteria :

Role of Media During Anti-Reservation Agitation", Review of October 1990, Newstrack Video Magazine", Manushi, Nos.63-64, March-June 1991, pp.54-60; and, "Enabling Equal Competition", Dhirubhai Sheth Speaks to Manushi, Manushi, Nos.63-64, March-June 1991, pp.62-68, and, Harsh Sethi, "Many Unexplained Issues : The anti-Mandal 'Suicide' Spate", Manushi, Nos.63-64, March-June 1991, pp.69-72.

109. Madhu Kishwar, "In Defence of Our Dharma", Manushi, No.60, 1990, pp.2-15

110. Mani Mala, "Men Riot, Women are Imprisoned : Reports from Bihar Sharif and Ahmedabad", Manushi, No.9, 1981, pp.12-13.

Renana Jhabvala, "Caste Riots in Ahmedabad - Women Face the Fury", Manushi, No.9, 1981, pp.15-17;

"Why This Slow Murder?" A SEWA report on the Communal Violence in Ahmedabad on the Lives of Women", Manushi, No.33, March-April, 1986, pp.5-9.

111. Shirin Lateef, "Fijian Indians : The Women's Predicament", Manushi, No.41, Vol.7, No.5, July-August 1987, pp.8-16;

"The Status of Women in Pakistan", Extracts from the Report of the Pakistan Commission on the Status of Women, December 1984, Manushi, No.44, January-February 1988, pp.2-9

"Pakistani Women Against Repression : An Interview with Sheema Kirmani", Manushi, No.12, 1982, pp.2-4.

"Facts and Figures about Women's Situation in Pakistan", Manushi, No.12, 1982.

"Words of Fire : The Writings of Sara Shagufta", Manushi, No.12, 1982, pp.7-8.

"Womens Stir Threat to Zia's Regime", Report from Times of India, Indian Express", Manushi, Vol.3, No.3, March-April 1983, p.20.

"Women's Struggle Against Zia's Version of Islam" Manushi, Vol.3, No.4, June-July 1983, pp.14-15.

112. See Madhu Kishwar and Ruth Vanita, "The Burning of Roop Kanwar", Manushi, Nos.42-43, 1987, p.24.

113. Ibid., p.23.

114. Ibid., p.24.

115. Also See Editorial "Shall Government Kill", Manushi No.49, November-December 1988, p.2.
116. Madhu Kishwar and Ruth Vanita, "The Burning of Roop Kanwar", Manushi, Nos.42-43, 1987, p.24.
117. Ibid., p.24.
118. Editorial "Why Can't We Report to Each Other?", Manushi, No.7, 1981, p.4
119. Ibid., p.4.
120. Srilatha Swaminathan, "Letter From Jail : Tribal Women's Fight for Famine Relief", Manushi, No.40, May-June 1987, pp.4-6.
121. "Sangharsh Vahini's Struggle in Agra" A Report by Agra Jan Sangharsh Sahyoga Samiti, Manushi, Vol.3, No.1, October-November 1982, pp.16-18.
122. Darryl D'Monte "Mass Rape in Bihar by Police", Manushi, No.2, 1979, p.23.
123. Madhu Kishwar, "When Delhi's Invisible Citizen's were Noticed : The Cholera Epidemic", Manushi, No.47, 1988, pp.2-16. In this epidemic 32,646 cases of gastroenteritis were reported, 8,525 people were hospitalised and 304 confirmed deaths were reported.
124. Ibid., p.15.
125. Ibid., p.15.
126. Ibid., p.15.
127. Says Kishwar, "There is an urgent need to concentrate our energies in bringing the struggle for democratic rights closer to the everyday life of the people". See, Madhu Kishwar "Changing the Rules of the Political Game", Manushi, No.39, March-April 1987, p.21.
128. Madhu Kishwar, "The Cholera Epidemic", op.cit., p.12.
129. Madhu Kishwar suggests, "Committees elected by the community should evaluate their services. Women should constitute at least 50 per cent of the board". "Some Thoughts on Republic Day, 26 January 1987", Manushi, No.38, 1987, p.8.
130. Kishwar, "Changing the Rules ...", op.cit., p.13-21.

131. Madhu Kishwar, "Ways to Combat Communal Violence : Some Thoughts on International Women's Day", Manushi, No.62, January-February 1991, pp.2-10.
132. Ruth Vanita, "Can Police Reform Husbands? The Crime Against Women Cell, Delhi", Manushi, No.40, 1987, p.7.
133. Editorial, "Why Can't We Report To Each Other?" Manushi, No.7, 1981, p.5
134. Manushi Editorial, Ibid., p.5.
135. See, Madhu Kishwar and Ruth Vanita, "The Burning of Roop Kanwar", Manushi, Nos.42-43, September-December 1987, pp.15-25.
136. See, "We shall Re-Examine Everything", Editorial from the Inaugural Issue, eds., Madhu Kishwar and Ruth Vanita, In Search of Answers : Indian Women's Voices from Manushi op.cit., pp.246-249.
137. From the Constitution of Suraksha.
138. See Report of Meeting on 27 April 1983.
139. See, Kya Kar Rahi Hai Suraksha, Swatantra Bharat (Lucknow), 15 September, 1990.
140. It has this role since 1986.
141. See, Newsletter : Inaugural Issue. This also carries a report upon the activities of 1986-87.
142. See, Annual Report of the year 1991-92.
143. The Annual Report of the year 1990-91 states : "The increase in the number of cases registered shows an increase in awareness, and willingness to seek assistance to solve these problems".
144. A small shelter home is run by another organisation to which Suraksha can refer its needy client women for temporary accommodation.
145. See, Newsletter reporting about the Third Quarter of 1987-88.
146. See, Newsletter : Inaugural Issue. "The organisation is also considering alternate funding sources such as foreign-funds, obtaining a corpus for achieving financial stability, raising large funds in a fund-raising drive". For details, see. Annual Report - 1991-92.

147. The work plan of 1992-93 indicates that three days in a week are devoted to counselling and fact-finding. Legal guidance and family court visits are done each Friday. Organising of two workshops and one mohalla meeting is done each month. There are two scheduled visits each month to supervise the village work and one monthly visit scheduled for visit to the shelter home.
148. In November 1985, the local Television featured Suraksha, and in June 1986, the organisation and its activities found mention in a programme "Doli Se Arthi Tak".
149. Particularly interesting or difficult cases are highlighted in the press by Suraksha -the names are changed to protect identities.
150. See, Report 1990-91. Occasionally there may be an article in the press about Suraksha activities. See, among others, Darryl Correya, "Village Women Blaze a New Trail", Pioneer (Lucknow), September 14, 1991 and Dayanand Pandey, "Is Dampatya Se Narak Bhala", Navbharat Times Lucknow), 17 November 1991.
151. Along with Suraksha, others who participated were the YWCA, the Yuva Shakti Sanrakshan Parishad, and the National Women's Conference. See, Report 1990-91.
152. Ibid.
153. See, Report of 7th April 1983 meeting.
154. This is a governmental programme for women and education floated in 1989, which involves grass-roots organisations in four districts of U.P. Mahila Samakhya programme is also underway in three districts of Karnataka, and three districts of Gujarat.
155. Through Akanksha, Suraksha was able to secure some drinking water facilities through sinking of handpumps around Phalenda village. Report on Camp on Rural Awareness, 1988.
156. Suraksha sent its counsellor to participate in a Training Programme conducted by Jagori.
157. Manushi Vichar Kendra, Lucknow and the Lucknow Thinkers' Council were co-sponsors for the Street Play Programme by Delhi based group "Ahsaas".

158. In the Suraksha files, there are instances of appeals for support to senior administrative officers of other districts for interventions in particularly difficult cases which may belong to that area or region. Also requests to CMD for improved health services, or to the DM, Lucknow for handpumps in village areas have been met.
159. Report of 1984-85 states : "During the year under review our first task was to mobilise the help of Police in favour of the victims of atrocities committed in the name of dowry".
160. See, Annual Work Plan 1992-93.
161. See, Annual Report - 1991-92.
162. In course of the week-long camp at Phalenda (January 1988) strong effort was made towards generating an awareness on social issues. A puppet show from Literacy House aided in this task. Similarly in the camp at Kanar in 1989, a session was devoted to legal literacy, i.e., information on constitutional rights, property and inheritance laws, village panchayat laws, free legal aid, Dowry Prohibition Act, Child Labour, etc.
163. The school is supported by donations and subscriptions, and is run under the guidance of a school in Lucknow which is run by a Suraksha member. Nutrition supplement has also been made available. Members and other donors have contributed towards educational aids, food supplement and towards remuneration of teachers. Options for subscriptions have been worked out and range from Rupees Sixty to Rupees One Thousand Two Hundred annually.
164. Women who received the three month training received a stipend of Rs.20/- per day.
165. The scheme was initiated on 8 March 1991. The 27 women who enrolled in a four week training programme were paid Rs.10/- per day as a stipend. Annual Report 1990-91.
166. Says the Report of 1990-91, "SEWA also proposes to open a skill upgradation and distribution centre at Kanar to spread the activity to other villages".

167. The tractor can be used for threshing and ploughing as well as for carting goods especially mango crates, during the summer season in this mango belt. See, Darryl Correy, "Village Women Blaze a New Trail", Pioneer, 14 September 1991.
168. See Report of 1991-92.
169. Ibid.
170. Conversation with activists.
171. See, Report of Workshop 1988, p.4.
172. Pratima Bhatia, "Problems relating to Enforcement of Legal Rights for Women : A Perspective from the Field", mimeographed paper, from Suraksha files.
173. This was done in 1987.
174. Conversations with volunteers of Suraksha. Also Dayanand Pandey, "Is Dampatya Se To Nark Bhala", Navbharat Times (Lucknow), 17 November, 1991.
175. Ibid. It may be relevant to quote the case "On filing a suit of maintenance, Sabiha was granted Rs.300/- per month. But her husband Salim decided not honour the judgement. Later another judgement was passed that she be paid maintenance directly from his salary. Salim has been successful in getting the case transferred to another judge's court, thus delaying the decision and implementation". Bhatia, op.cit., p.4.
176. Ibid., p.5.
177. Ibid., p.5.
178. See, Newspaper Report, "Dahej Haadson Ke Liye Bajti Khatre Ki Ghanti", Dainik Jagran (Lucknow), 9 July 1992.
179. Ibid.
180. Discussions with Suraksha Counsellor. Also, "Violence on Women : A Case Study of Kamla", presented by a Suraksha activist in a Seminar on Women and Law, held at I.T. College, Lucknow, February 1987.
181. See, Press Report in Nav Bharat Times (Lucknow), 30 May 1992.

182. "Conversation with Counsellor.
183. Letter to the Prime Minister, dated 18 May 1983, by Suraksha in the very first year of its inception.
184. At the Suraksha-YWCA Workshop (1988) suggestion had been made to incorporate a proviso in the Dowry Prohibition Act, that if total expenses on marriage expenses exceed Rs.20,000 it would be treated as a cognisable offence. See, Recommendations of the Workshop.
185. Pratima Bhatia, "They lived Unhappily Ever After". An article from Suraksha files.
186. Bhatia, "Problems Relating to Enforcement of Legal Rights", op.cit., p.6.
187. The issue of Compulsory registration of marriages was also spoken of in the Suraksha, YWCA Workshop of 1988, op.cit.

Also reiterated in the Colloquium on the Girl Child, 14-15 April 1993.
188. Ibid.
189. Ibid.
190. Ibid.
191. Bhatia, "Problems Relating to Enforcement of Legal Rights", op.cit., p.3
192. However the approach towards solving perceived problems was somewhat paternalistic. It did not involve the village body, nor did it encourage them to become the initiators of their own processes of improvement and therefore empowerment. Approach of Suraksha embraced writing applications to the District Magistrate and another voluntary organisation Akansha for road improvement, for more wells, and for upgradation of existing school; to the C.M.O., for a monthly clinic, etc. See, Follow-up Report of Rural Awareness Camp at Phalenda, 1988.

193. The Report of 1991-92 states that : The total number of cases (old and new) dealt with were 134, and in each case counselling was done at least four times. Each case moreover required home visits and inquiries two to three times", This indicates the arduous nature of the task in family counselling related activity.
194. Suraksha files which register cases, specify in a few lines the kind of problem which the client has, and the nature of help she seeks. The files cannot document her anguish as well as the painstaking process by which the reconciliation is reached, problem solved or divorce effected. Clients, desiring confidentiality often hesitate to visit the Suraksha office, and contact activists at their homes. Thus Suraksha family related problems are worked at in silence and often without records.
195. The Tractor was obtained through a Government grant.

CHAPTER VI

CONCLUSIONS

The normative agenda of a State should include a positive transformation towards the good life for its citizens. This, as an objective, is enshrined in the Preamble and the Directive Principles of State Policy of the Indian Constitution. Voluntary organisations which are a subject of this study too are agencies geared towards social transformation (variously conceived). The broad objectives of the five organisations chosen for study too encompass a qualitative improvement in the social, political and economic environment.

Through prolific, critical, well-documented and comprehensive reporting and discussions and occasionally through active participation (i.e. moving the courts, or through public protest), organisations like the PUCL, PUDR, CFD and Manushi are attempting to influence the system in favour of social transformation. Suraksha involves itself in active support activity - counselling and legal aid for women, as well as in rural-based developmental activity to work towards a positive social transformation in the lives of the women it actually touches.

Thus apparently, both agencies - the State as well as voluntary organisations - are geared to similar

objectives. There seems no reason why voluntary organisations may not be termed complementary to the State - junior partners as it were - assisting in a small way, in the larger tasks of the State.

However differences and conflicts with the State are likely to arise on the issue, whether the State can accommodate within its programme of social transformation, the agenda of the voluntary organisation? If the agenda of voluntary organisations is too wide to be accommodated by the State or if it makes demands which the State cannot concede, or if it continually works to expose lacunae in state machinery, or if it makes demands that call for structural changes, the relation between the voluntary organisation and the state may become conflictual.

However it may be pointed out that the agenda of social transformation of a voluntary organisation does not have to really challenge the established structures in order to develop a relationship of conflict with the State. The latter often is not fully capable of responding to, and guaranteeing the legal and fundamental rights which it itself underwrites. Simple instances which may be quoted, are the Minimum Wages Act, Equal Remuneration Act, etc., which are often by-passed.¹

Further, in course of implementation by its own officers too, there may be flaws and transgressions, e.g. high-handedness on the part of the police, or State violence.²

Thus well within the frame of legitimate and fair demands (those which the State has itself agreed to fulfil, at different points of time, through different legal pronouncements), can voluntary organisations press for demands which the State promises to the citizens, but may not be able to concede immediately, or fully.

The voluntary organization may play a gadfly role - by reminding the state of unmet promises, wrong actions of its agencies, or by mobilizing groups of the weaker sections to ask for their legitimate demands. Thus the women may be mobilised around the right to non-discriminatory treatment in matters of promotions in an environment that promises equality, or casual workers may be mobilised to ask for minimum wages, which the State has itself guaranteed. The voluntary organisations may also make the examination of, and publicity to, denial of civil liberties as their primary objective.

A constant reminder of these shortfalls in state behaviour tends to undermine the legitimacy of the State. Hence reactions of the state to voluntary organisations may occasionally be recriminatory and

sharp. Instances of such hostile responses on the part of the State may be seen in the form of surveillance of members of such organisation, cutting off grants to them, tightening avenues of obtaining foreign grants, reacting with hostility to them in the press, and occasionally casting aspersions on their loyalty and nationalism.

In the case of organisations which press for structural transformation in the society, i.e. for changes in the prevailing economic or political arrangements in society - as do some fringe groups and mass organisations like the CPI (ML), the State has every excuse to unhesitatingly use state-power against them as they undercut the authority and power of the State. At times, some of these organisations also indulge in violence, which the state feels justified in curbing with a heavy hand.

Given the nature of their programmes, as well as the extremely slow pace of social change (which has not fully taken cognisance even of guaranteed rights), the State's attitude to women's groups has been accommodative and tolerant, and not hostile.

It may be relevant here to reexamine the categorisation we had attempted in an earlier chapter of voluntary organisations and their agenda of change.

This will assist us in the task of categorisation of the five voluntary organisations we have chosen to examine.

The following are the four categories:

- a) Voluntary activity which attempts no transformation in the system, or attempts a transformation which is temporary or transient. In this category may be seen acts of charity or philanthropy.
- b) Voluntary activity which aids the State in its effort at social transformation, e.g., assisting administrative endeavour to facilitate poverty alleviation programmes, or assisting in unravelling of bottlenecks in the delivery mechanism of the state.
- c) Voluntary activity pressing for social transformation within the politico-legal system of the state in any of the following ways :
 - (i) pressing for the implementation of State laws, e.g., Equal Remuneration Act, Minimum Wages Act, etc.;
 - (ii) Pressurising the State to desist from certain actions seen as adverse to the poorer and weaker groups - e.g., through letters to the press, publication of reports, organising protests against particular projects or actions in the manner of Baba Amte against the Narmada Project or Sunderlal Bahuguna against the Tehri Dam;
 - (iii) Imaginatively using available judicial - legal opportunities and avenues for bringing about transformation in the system - e.g., the use of social action litigation to

compel employers to pay minimum wages, or through social action litigation pressing for amendments to correct lacunae in existing law; and,

- (iv) Pressurising the system for transformation which can be brought through additional legislation, and which can easily be accommodated within the system - e.g., demanding legislation against misuse of amniocentesis tests, or successfully pressurising the State for the passage of the Sati Act, 1987.³

- d) At the far end of the spectrum is activity which has the objective of bringing about structural transformation in the system. This implies changes in the economic and political arrangements in the society. Political ideas which lean towards this kind of transformation and which challenge the legitimacy of the State have flowed from the Naxalite stream of the CPI (ML).

In the light of our earlier discussions on voluntary organisations we may find it useful to categorise possible state reactions to each of the four categories of voluntary activity, given their understanding of social transformation.

- a) The State reaction to the first category of voluntary organisations - i.e., those aiming to effect no change, or those opting for temporary, transient social change - will be either positive or indifferent. The State may encourage this kind of activity, for example by granting income tax

concessions to such charitable and philanthropic activity.

b) The state reaction to the second category of voluntary activity - i.e. aiding the state in its delivery mechanism, poverty alleviation programmes, etc. - will be positive. This is indicated by the large involvement of voluntary organisations in development which was envisaged in the Seventh Five Year Plan.⁴

c) The third category of voluntary organisations raise issues which though permissible within law, may compel the state to adopt defensive postures. These issues may relate to non-implementation by the State of its own law (e.g. the Minimum Wages Act), high-handedness on the part of the agencies of the State (e.g., torture in the police stations or death in police custody), denial of civil liberties (e.g., custodial rape), policies perceived as anti-poor (the forest policy, or policies related to development leading to displacement). The reaction of the state to such voluntary activity is usually defensive and sometimes hostile.

Such voluntary activity may, through mobilisational and organisational activity, highlight structural anomalies and may even result in some incremental

changes. Thus protest around the issue of non-payment of the minimum wage, calling for implementation of ceiling laws which would undercut the power of the rich landlord, calling for redistribution of gair mazarua land etc. tends to highlight the "shortfall" between what the State promised, but did not give. Strictly speaking these should pose no challenge to the existing system since these demands do not fall outside the system. In fact, they may be seen as serving the important purpose of objectively broadening the base of the prevailing democratic mechanism. They should be seen as serving to accelerate the speed of reform and thereby buttressing the system itself. Protest tends to pressurise authority into conceding what is within their capacity to grant, and which it may otherwise not concede.

However despite the fact that voluntary activity of this category of voluntary organisations appears to fall within the prevailing politico-legal structures. yet, the State may in some cases feel compelled to respond with a degree of hostility, fearing a decline in its legitimacy arising out of the fact that transformatory action is being initiated by an agency other than itself.

- d) State response to the fourth category of voluntary activity - that which addresses itself to the issue

of structural transformation through revolutionary means - is uncompromisingly hostile. Such organisations are usually repressed with the armed might of the State. Certain acts of the radical groups may be perceived as clearly posing a challenge to the State, e.g. the setting up of "a panchayat to settle a land dispute",⁵ or setting up a "Peoples Court" to dispense "justice".⁶ Obviously the State will not compromise on such clear and blatant undercutting of its legitimacy. Since violence is on the agenda of such organisations, there is ample justification for the State to use armed might against them. There is also a general legitimacy which attaches to state action against such organisations.

However it must be made clear that the characterisation of the type of voluntary activity and the type of state response is not always so clear as to form water-tight categories. Sharp State reaction in the form of armed action may come even in cases where mobilisation is within the law, given the specific politics of the area. And activity which we have put in an earlier category (e.g., asking for minimum wages), may be perceived as anti-State activity. Similarly empowering activities carried out by groups, around issues like minimum wages, control of village commons

land, may be perceived as anti-State even though the state itself has conceded the right.

The police firing at Arwal,⁷ in which 21 people were killed, is an instance where mobilised peasantry asking for their rights, had to face the wrath of the State which intervened in the interests of the richer class.

The violent response of the state to demands which appear legal and legitimate such as mobilising for minimum wages, attempting to acquire government lands held in illegal proprietorship by landlords, cultivating of tankbeds, etc., has to be seen in the light of the wide mobilisation of peasants in the area of central Bihar by several mass organisations which are following a radical left programme.

The civil liberties groups we are concerned with are themselves neither participants nor activists in the struggle, or part of the mobilisational activity. They are sympathetic commentators and document this struggle which is visible in parts of Bihar, Bastar and Andhra Pradesh.

It is in these reports of the PUDR and PUCL on Bihar, Andhra Pradesh and Bastar that the issue of mobilisation of the poor classes around issues of redistribution of land in excess of ceiling,

redistribution of gair mazarua land, the implementation of minimum wages or other manifestations of socio-economic exploitation has been investigated, reported and discussed.

In most of the PUDR and PUCL reports on this specific question of peasant mobilisation has been located in the socio-economic frame-work which is characterised by intimidation of the peasantry by landlords, low wages for the former, heavy concentration of landholdings, unauthorized possession of common lands by landlords, etc. The implication of such a mode of analysis is that any violence emanating from mobilisation is to be seen in the context of the socio-economic arrangement in which it is located, and not merely as apolitical action. This mobilisation cannot be viewed as a law and order problem alone, but is directed against a brutal socio-economic arrangement where powerful landlords may often be supported by the police.

Civil liberties groups have often reported upon incidents of deprivation of civil liberties which have emanated from clashes between landlords and peasants, or upon police interventions in such clashes, and upon the mobilisation of peasants under the leadership of front organisations and fringe groups of the CPI (ML) in Bihar, Andhra Pradesh or Bastar regions.

In presenting the case of the peasantry and tribals of the poorer sections, or while presenting a report against police high handedness in the backward areas, the civil liberties groups expose themselves to the charge of being part of the radical left (or Naxalite in popular terminology). This charge is further substantiated by the emphasis in their reports on the socio-economic context of the issues of peasant mobilisation.⁸

However it is difficult to accept this criticism of commentators who consider this mode and pattern of reporting on violence and mobilisation as evidence of civil liberties groups being either pro-secessionist or pro-extremist.⁹ In the numerous reports of the civil liberties groups there is no advocacy of secessionism, or any attack on the sovereignty of the State. In fact these groups decry violence and have frequently publically declared non-acceptance of violence as a strategy to solve problems.¹⁰

The PUCL and PUDR have been critical of the policy of violence which has been followed by the extremist groups, the terrorists and the People's War Group.¹¹ However true to their civil libertarian orientation, they have a deep distrust of 'overpolicing' by the State as it tends to increase police high-handedness even against the innocent and is potentially dangerous for civil liberties of the people. They maintain that:

"the State has ample powers to combat terrorism without transgressing the law".¹²

Their own numerous investigations have not left them room to doubt that the State has the proclivity to arm itself with more and more powers.¹³

The groups recall the recent killing of journalist Ghulam Rasool of Hyderabad and the attempt of the police to pass it off as "naxalite" killing, thus raising renewed doubts about the authenticity of police encounters.¹⁴

It is the contention of the PUDR and the PUCL that even in the course of meeting "naxalite"/extremist activity, the police shall not compromise on the 'rule of law'.¹⁵

A criticism of the civil liberties groups accuses them of being vocal in condemnation of police use of force against extremists and militants, but not forthcoming in their condemnation of the killings by the militants of the innocent. This however is not based on facts, because condemnation of terrorism and militancy has been frequently expressed. For example :

... we strongly condemn the murder of innocent persons both of [sic] Hindus and Muslims, committed by the militants.¹⁶

Their consistent policy has been thus outlined :

... we are actively against the policy of combating private terrorism by recourse to state terrorism.

Such a policy is both undemocratic as well as unproductive¹⁷

Also,

The question here is not whether the Naxalites subscribe to the views implied in the Constitution and the democratic process. But rather the question is in dealing with the problem, whether we are going to abandon totally our belief in democratic values and sacrifice fundamental human rights.¹⁸

Certainly the reports of the civil liberties groups do provide a critique of the State, state-behaviour and police high-handedness, but to consider this criticism - which is the very rationale of civil liberties groups - as an attack on State sovereignty, or as advocacy of secessionism, appears quite incorrect.

Successful organised effort at alteration of apparently unjust socio-economic arrangements by agencies other than that the state does tend to undercut the legitimacy¹⁹ of the State. This makes the state suspicious of the mobilisational activity carried out by peasant groups.

And when reports of the civil liberties groups highlight this mobilisation by peasant organisations, document their small successes, and sketch a picture of a denial of civil liberties, often highlighting the police-rich class nexus, the state may view them with a jaundiced eye.

Here it may be useful to comment briefly upon the mobilisational and organisational work being carried out by peasant organisations linked with the left parties in certain areas of Bihar, Madhya Pradesh and Andhra Pradesh. Much of this work is being done by mass organisations and fronts of the CPI (ML).

In Bihar, for instance, there are the Maoist Coordination Centre (MCC), the Party Unity Group, Indian People's Front (now with seats in the legislatures at Bihar and the Centre), the Liberation Front under Vinod Mishra.²⁰

While some fringe groups of the CPI (ML) have retained the violent revolutionary methods - the People's War Group in Andhra Pradesh being one such - others like the Indian People's Front have taken the shape of political parties, and yet others work with agrarian workers, poor peasants trying to mobilise them for demanding their rights.

The changing patterns of behaviour, and apparent change in objectives have raised questions about the left ideology. Says Pranava Kumar Chaudhary :

All these movements from below serve to accelerate the pace of reform from above as they are not against the existing laws as such. So instead of developing in the direction of revolutionary peasant violence for the seizure of power, these movements are objectively broadening the base of present democratic mechanism.²¹

However when the civil liberties groups report on the activities of these peasant organisations, and when they project the issues of rights in the socio-economic context, they are mistakenly perceived as underwriting the same agenda of structural transformation as the peasant organisation they are reporting on.²² However it must be pointed out that the civil liberties groups - the PUCL and PUDR - are not engaged in mobilisational activity. It is their 'subaltern' perspective, their "conscious bias in favour of weaker sections who have the least access to democracy", which has made this kind of reporting inevitable.

These groups are working well within the framework of legitimate and constitutionally sanctioned avenues of protest - i.e., discussing and reporting on state high-handedness, arbitrariness of police or the anomalies in the development of the state. Occasionally there is the creative use of the judiciary with the objective of increasing the sum total of liberty for a group of people - usually a marginalised group. These groups fall in the third category of our classification of voluntary organisations.

The issue of the ascribed 'naxalite' label seems to have a close parallel with the issue of 'terrorism' and the civil libertarian response.

The civil liberties groups stress the humane treatment of under-trials, a strict maintenance of rule of law, restraint upon the use of state power, and a curb upon state high-handedness. The State agency for law enforcement, while dealing with terrorists who are pressured by no human rights constraints (and in addition enjoy the advantage of the first strike) may find themselves at a disadvantage. The state and police also find themselves under criticism for any compromise on humane principles or on the rule of law in course of dealing with terrorists.

The response of the state to this is usually in the form of a criticism of the civil liberties groups. This criticism is shriller and sharper when the arena of the terrorist operations are sensitive border states²³ and the terrorists themselves are perceived as indulging in senseless violent activity against the innocent people. The apparent position of the civil liberties groups appears as being supportive of terrorists and as subversive.²⁴

The position of civil liberties organisations is made more vulnerable when external groups of civil libertarians too emerge critical of the State on the same issue.

The state response²⁵ towards this critique both from internal and external groups of human rights

activists ranges from casting aspersions upon the integrity of the domestic civil rights groups, highlighting the inhumanity of the terrorist action, declaiming that the libertarians are not forthcoming with a critique of terrorism as much as they are of the state, and as an extreme measure even calling civil liberty groups, foreign agents who are attempting to undercut the nations integrity and sovereignty.

However, the endeavour of the Human Rights Groups has been/is to control and restrain state high-handedness rather than to pose any challenge or threat to national sovereignty. But in an atmosphere charged with the tension and strain of meeting terrorism, especially in the sensitive ethos of border states which are contiguous with unfriendly neighbours, public opinion becomes impatient with the commentary of the civil right activists²⁶ upholding the rights of the under-trials, questioning the validity of the TADA and calling for a restraint on the police force.

However the civil liberties groups have not felt constrained to alter the pattern of the criticism they have always offered against the state high-handedness even while discussing police treatment of terrorists in Kashmir and Punjab and there appears no justification to perceive this criticism as threatening the nation's sovereignty or integrity.

However the critique extended by the Amnesty International Report and Asia Watch Reports (apart from being linked with the "hostile" internal civil liberties groups of the country), have been criticised as false and unsubstantiated. The government has also responded that it will set up an Indian Human Rights Commission.²⁷

The CFD has the comprehensive objective of strengthening economic, social and political democracy. It is also inspired by the J.P. ideal of a Total Revolution which is interpreted to mean "a revolutionary transformation in all spheres of life". This revolution aims to bring changes in the social, moral, cultural spheres and subsequently political and economic changes too. This change is to be peaceful and non-violent. It stresses peoples committees which will generate people's power at the lower levels and imagines "a country-wide network of people,s committees [whith] will constitute the post revolutionary democratic state".²⁸

However this revolutionary agenda of the Total Revolution appears not to have disturbed the state and no hostile responses have been apparent on the basis of this proposed agenda of change of the CFD. The likely reasons for this could be the very slow progress of the idea of Total Revolution which is to be worked by a mechanism of peoples committees.²⁹ A loose federation was attempted in 1986, at the all India level - the formation of "Sampoorna Kranti Manch". This had

representatives of members of groups believing in the Total Revolution idea. Subsequently it was disbanded at the National level.³⁰

However on two or three instances the CFD had to face a criticism of the state. One relates to the criticism on the Kashmir report, it co-authored in 1990 and later in 1991 on the protests it raised against the Kuppwara incident where charges of mass-rape against the army were subsequently cleared by the Press Council of India investigation.

An incident leading to strain with the government arose from a CFD publication in 1985 entitled "Report to the Nation : An Inquiry in Punjab" in which allegations were made of the violations of the democratic rights of the people after the Blue Star operation in Punjab in 1984. The publisher and printer were arrested and the book was banned.

The CFD is an active organisation currently extremely vocal and vigilant in the issue of the violation of civil rights in Punjab and Kashmir. In May 1989 it came out with another report on civil liberties violations in Punjab. It has been a part of a team to study the problems of Kashmir in 1990, and then again in May 1992 along with the PUCL, Radical Humanist Association and the Manav Ekta Abhiyan. It is also part of a combined initiative of some groups termed the

Coordination Committee on Kashmir which has so far submitted six periodic reports, held a two day seminar and organised a rally on the issue of Kashmir.

It appears possible to list CFD in the third category of our classification on voluntary organisations.

Suraksha, with its agenda as an 'anti-dowry demand organisation' and family counselling activity, raises no issues which are sharply hostile to the state. There is some element of criticism of the police who handle cases relating to crimes against women, and of the working of the family courts and the lok adalats and about the general slowness of the Social Welfare Board in releasing funds. But there has been no hostility on part of the state towards Suraksha as a women's support group.

In its growing role as a development agency, Suraksha has acted as an agency of the state channelising income-generating opportunities. Similarly, the state is cooperating through the Jal Nigam with UNICEF and Suraksha in developmental activity of sinking hand-pumps. In the course of its rural awareness raising programmes in the villages, Suraksha has served, in a small way, to bring about improvement of the road to the village, worked towards obtaining improved medical attention for the area, and for more

hand-pumps, through its contacts and efforts. It has moved applications on behalf of the villagers for these developmental necessities.

Thus while attempting awareness through rural camps, and discussing the issue of legal rights constitutionally available, Suraksha's effort is towards 'empowering' villagers in the economic sense. Of course awareness of the location of the individual in a system, the comprehension of the complex array of restrictions which delimit and restrain the individual, and the conscious process of struggle to break free from perceived and comprehended restraints, which is also empowerment, has not been aimed at.

Social awareness and some degree of empowerment may develop from the economic intervention (income-generation projects), educational effort (balwadi and adult education), and awareness raising (information on legal rights and women's rights) and some health improvement programmes. To an extent the innovative Tractor Programme itself may help in the process of women's empowerment.

Suraksha has commented upon the need for changes in some laws (relating to the dowry legislation), and has spoken of the need for strict application of some law (that relating to the equal share of the woman's inheritance in the self-acquired property of the

father), and has also pressed for the registration of all marriages. However, in the course of its development activity, Suraksha has raised no issues regarding women's position in the context of caste, class and patriarchal dominance.

The programmes and activities of Suraksha raise no issues which are hostile to the State, and therefore Suraksha may be placed within the second category of voluntary organisations.

Manushi has been prolific in reporting on women's struggle against oppression both by the state and by the richer groups. In an article on women in the Shramik Sanghatana³¹ Manushi documents the process and mode of women's gradual empowerment - how women could gradually identify those patterns of exploitation which they shared with their men-folk and those which were specific to them. The former were long hours of work, low wages, the latter were the harassment, beating and even rape by the richer peasants, landlords and chowkidars of the crop protection societies. Women, assisted by activists of the Shramik Sanghatana, through the medium of women's shibirs, were able to build up resistance against oppression. They learnt to protest creatively, through strikes, and gheraos, boycotting of elections and even by the collective breaking of liquor pots as token gestures against alcoholism.

In another article,³² there is a commentary on the issue of peasant mobilisation in Andhra Pradesh under the Ryotu Coolie Sangham against illegal landholding, bribes and fines extracted from labourers by landlords, against low wages and compulsory labour. The article also talks of the Ryotu Mahila Sangham which is the subsidiary women's wing organised around the issue of the exploitation of women by the landlords. The article documents how this mobilisation and organisation in the taluks of Jagityalla and Sirsilla, against the vested interests, has led to the declaration, by the State of the area as disturbed, under the Andhra Pradesh Suppression of the Disturbance Act. This makes clear the rich class-state nexus in keeping the exploited group docile and unresisting.

Manushi has also reported upon the mobilisation of women in the Uttarakhand region³³ protesting against liquor and drunkenness as well as against the forest policy of the government, and the larger development policy. Not only did the women oppose the government contractors who came to fell trees, but also the armed police sent subsequently. Their unique form of protest chipko or embracing the trees to protect them - was able to generate an environmental consciousness through the country. Further the women were trenchant in the criticism of a development policy which ignored important interdependencies. "Planning without fodder,

fuel and water is one-eyed planning", was their slogan. The women pointed out also to the unequal distribution of the advantages of development in their area.

Another article has documented the process of exploitation in the tobacco/bidi industry in Nipani, and has commented upon the women's strike and process of unionisation as well as the empowerment of women as a consequence.³⁴

Manushi has, in course of two articles pointed to the behaviour of the states which has continued to underwrite women's inequality. The lacuna is that only men are recognised as heads of household, and when the state bestows land as relief, or extends some other state aid, it is given only in the name of men.³⁵

Manushi has also moved a writ petition in the Supreme Court seeking changes in the law which governs the Ho tribals in Bihar in which women are denied the right of inheriting land.³⁶ According to the prevailing law land can pass to the male relative in the absence of a son. Widows and daughters are given only usufructory rights. This inequality appears highly unjust in the light of the fact that eighty per cent of the agricultural work is done by women.

In some editorials Manushi has stressed upon "Changing the rules of the political game"³⁷ and has

suggested "Why Can't We Report to Each Other?"³⁸ In an earlier chapter we have examined the suggestions made within Manushi for self organisation, of building citizens' countervailing power against the state authority, and of exerting community pressure to secure accountability of the state functionaries to the public. In the Manushi columns there is an indictment of the processes followed by the police and law-courts³⁹ especially in cases of crime against women. Manushi raises the issue of "redefining justice"⁴⁰ of "shifting the weight of social opinion in favour of women". This is seen as becoming possible only through "conscious and sustained women's action". There is a realisation which has developed from an initial despair and demoralisation:

We have learnt the value of women's organised action. We have realised that rights are never given to anyone - they have to be demanded or struggled for!⁴¹

This kind of structural change apparent in the columns of Manushi are perhaps more far-reaching and potentially effective than even a call for a violent or armed revolution. These suggestions are practical, implementable and potentially subversive of the prevailing system which Manushi sees as unjust. This has to be perceived along with numerous suggestions scattered in course of many articles of Manushi, e.g.,

community organisation, neighbourhood politics, decentralisation.

In an early editorial Manushi had called for 'a complete review and redefinition of women's place and role in society:

Let us examine the whole question, all the questions. Let us not only redefine ourselves, our role our image - but also the kind of society we wish to live in.⁴²

The agenda of change in Manushi goes far beyond a criticism of patriarchy to restructuring society in a manner which is fair and just to women.

However, there has been no overt or covert hostility between the State and this women's organisation. Apparently the critique of the state and government embedded in the writings has not been fully comprehended, since Manushi is still generally known as a 'women's journal'.⁴³

Thus over the years, Manushi has vocalised a criticism of the state on several issues. There has been, in Manushi's columns an indictment of the state in wake of Deorala sati, a protest against the prevalence of capital punishment, a criticism of health care and of the poor conditions prevailing in some resettlement colonies of Delhi.

Manushi may be placed in the third category of our classification of voluntary organisations.

- In the complex issue of reconciling rights and state control, voluntary organisations have played an important role.

By constantly keeping the issue of civil liberties alive, they are able to prevent the state from exercising the soft option of excessive regulation. They act as watch-dogs keeping open a space for the people, preventing the state from authoritarian action. They are also able to, therefore restrain people from turning towards extreme and radical activity directed against the state.

These groups are able to protect the opportunities for democratic discourse for discussing and debating issues, and preventing an erosion of democracy.

The groups have also highlighted the socio-economic issues linked with denial of civil liberties, e.g., the caste, class, gender constraints within which they operate. The terrain of structural violence throws up unique configurations of repression, e.g., the rights of poor women who may be criminals, or minority women who are poor, or dalits who are poor and displaced.

In this study an attempt has been made to document how voluntary organisations have worked to enhance people's spaces. When traditional avenues of change - political parties and elections are not able to

comprehend many of the people's demands and when the politico-legal structure too is not responsive to their particular demands, voluntary organisations and voluntary activity may step in to create new support mechanisms, new spaces for the people. Voluntary organisations emphasise the importance of democratic pressure built from below.

We have through the medium of studying the work of some voluntary organisations attempted to throw some light on the issue of civil liberties and democratic rights. We have attempted to highlight the possible restrictions in the utilisation of civil liberties and democratic rights - problems which may stem from a legal short fall, improper law, uncorrect implementation of law as well as from the structural arrangements in the society, and the role which voluntary organisations can play in overcoming these problems.

It is apparent that in issues where voluntary organisations restrict themselves to a limited agenda of social transformation - one which does not challenge the prevailing structural arrangements of society - the state behaviour is tolerant, accommodative and even supportive of their work and activity. When however voluntary organisations continually highlight state lacunae and undermine state legitimacy, the state may respond sharply. At the same time however, the state

may also work to remove the lacunae pointed out. The action of the Indian State of working towards the setting up of a Human Rights Commission may be seen as an institutional change made in response to critical commentary by voluntary organisations. This also highlights the importance of the pressure-group and lobbying activity performed by voluntary organisations.

The material generated by three civil liberties groups - the CFD, PUCL and PUDR and the women's group - Manushi, also documents the denial of civil liberties at the level of the grass-roots and among the economically weaker sections. These specially highlight how the economically powerful and entrenched interests may align themselves with state agencies, at the local levels, and thus limit, restrict or even deny the rights of the weaker groups. They highlight too, how peoples right are inextricably linked up with the developmental choices made by the State - i.e., large dams, mining projects, afforestation, programmes favouring industries, etc. This is a telling commentary upon the nature of the state.

The reports have also highlighted the importance of empowerment and mobilisation of the weaker groups at the grass-roots level in order to bridge the gap between guaranteed rights and their actual implementation by state agencies.

The reports of the civil liberties groups, and of Manushi have thrown light on the pattern of entrenched interests, power structures, denial of rights and even mobilisation patterns.

An important addition to information has been the empirical illustration of the various kinds of mobilisation existing in society. Implicit is the recognition of the importance of this kind of protest, and mobilisation. Permissible spaces between the law have been used by groups - or by voluntary organisations on behalf of groups - to empower oneself, or empower a social group. Examples of these are cooperatives, unions, income generation programmes. Also a responsive judiciary can be made to respond and influence change by using the medium of social action litigation. Mobilisation can take the form of strong social protest against infringement of liberty or rights. It may also include the work of Marxist Leninist groups among the poor agricultural workers and wage labourers or poor tribals on the issue of minimum wages, implementation of ceiling laws, restitution of illegally occupied common lands and tanks.

As discussed earlier, the mobilisational activities may be seen as supplemental to, or critical of the State.

The study of the work of the five voluntary organisations has contributed to the development of a civil liberties, democratic rights consciousness, and a critical socio-economic awareness of the context in which rights and liberties are located. It has also generated a critical awareness of the state as well as of its agencies in the course of implementing rights and guaranteeing liberties. This critical perception is most vital in the specific context of the role of state agencies vis-a-vis the least powerful sections of society - the women, the dalits and the poor.

The study has attempted to relate the discussion of rights and liberties from Part Three and Part Four of the Constitution to the realities of the socio-political situation in India.

NOTES

1. Shramshakti, The Report of the National Commission on Self Employed Women and Women in the Informal Sector (1988) has pointed out that the even the State violates Equal Remuneration Act. "Virtually nowhere did we find equal wages being paid to men and women for the same work - not in any occupation ... Even when the Government is the employer, the payment to women is less than to men for the same work, p.lix.
2. On the other hand the practice of democracy and widening education too has aided in the politicisation of people, as well as in widening, growing expectations of what the State should do for its citizens.
3. Commission of Sati (Prevention) Act 1987.
4. The Eighth Five Year Plan too envisages a role for the voluntary organisations, though it does not give them the same prolific treatment as the Seventh Plan which had an entire chapter on voluntary organisations.
5. See, Koel Ke Kinare : Agrarian Conflict in Palamu Plains", PUDR (Delhi), 1990, p.14.
6. The "A.P.: Press, Para Military and People", PUDR (Delhi), 1992, has a boxed item "Excerpts from the counter affidavit filed by the Director General of Police, Andhra Pradesh, in the matter of Mandadi Narsimha Reddy and another versus state of Andhra Pradesh, which describes the activity of a praja court of an extremist group. These aim to solve people's grievances in order to enhance their own credibility. Their armed strength ensures ready compliance of 'judgement'. Punishment is dispensed in cases of exploitation and harassment of poor even in personal matters and, states this document "..... the extremists have also been emboldened to question the Sarpanches on the utilisation of the Jawahar Rozgar Yojana funds, forest functionaries on the goat grazing tax issues and compromised criminal cases pending in the court", p.4
7. Arwal has been pointed out as an instance of grave police repression and was investigated by the Indian People's Human Rights Commission. At the root of it lay a dispute over 27 decimals of land between one claimant and nine landless families who attempted to acquire it.

8. Swapan Das Gupta criticises the civil liberties groups for locating the discussion on peasant mobilisation in a socio-economic context. "The projection is deliberate because by conceding to Naxalites the moral right to wage a violent struggle, the state is inevitably committed to a policy of pandering". See, "The Fifth Column : The Stage-Army of the Good", Times of India (New Delhi) May 21, 1990.

However on the other hand, A.K. Ray points to the contribution of the democratic rights movement in the country as having "provided the necessary challenge to a section of former and potential Naxalities in India just as the peace, environment and feminist cause has dented the social base of the New Left in the West". See "The Democratic Rights Movement Acts As Watch-dog", Times of India (New Delhi), 6 June 1990.

9. Says Swapan Das Gupta, "There is little doubt that some civil liberties groups have operated as cover for extremist groups committed either to secessionism or the overthrow of the state through violent revolution". See, Swapan Das Gupta, op.cit.
10. See letter in the Press of Justice Rajinder Sachar to the Editor Times of India, 29 May 1992, "The PUCL has no political affiliation. Its aim is to work for protection of human rights and protest at its violation by anyone, including the government and private groups. The PUCL has times without number proclaimed that it condemns violence in public life. Reference also made to this letter in PUCL Bulletin, No.24, July 1992, p.16.
11. Banning of the People's War Group, PUDR (Delhi) 1991. Also see letter of some prominent individuals connected with the civil liberties groups, protesting the ban on the People's War Group and others, to the Editor, Times of India (New Delhi) 18 June 1991. "We do not endorse the violence of these groups but such bans invariably tend to end up in the suppression of all forms of political dissent.....". Also, "It is not our belief that Naxalite violence should be condoned. Recently Naxalites have also been involved in kidnapping even petty officials, frequent destruction of buses and attempt to sabotage the railway lines, endangering the lives of hundreds of people. Any government is bound to take a firm action against all such offences". "People, Paramilitary and People", PUDR (Delhi), 1992, p.6.

12. "Is Kashmir Burning" Report of a team with members from PUCL, CFD, Radical Humanist Association and Manavta Ekta Abhiyan published in Illustrated Weekly of India (Bombay), 10 June 1990, p.27. Also, in CFD Files : Kashmir Per Report, April, 1990.
13. The PUDR quotes the figures APCLC has compiled to support that the police may be misusing the vast powers that have accrued to it. In 1991, 17 people were killed in police custody, 12 in police firing and 106 in encounters and one was missing after arrest. Ibid., p.7, The report also documents frivolous use of power given to the police under the TADA.
14. Ibid., p.1.
15. Says the report "Police are bound by the Constitution, and the rules of law applies even to those who do not politically or philosophically subscribe to it. That is what democracy is about". Ibid., p.7.
16. Is Kashmir Burning, op.cit., In a letter to the Editor dated 29 May 1992 the President of PUCL, Justice Sachar protests a similar charge, "while I fully agree with your calling the terrorists an uncivilized lot. I must protest against the gratuitous and incorrect comment that "civil liberties organisations ... tend to maintain an eloquent silence on the murder of innocents ...". This is a deliberate misstatement...." see, PUCL Bulletin, No.119, July 1992, p.16.
17. See, "Is Kashmir Burning?" op.cit., p.27.
18. K.G. Kannabiran has pointed out that this stand was taken in June 1978 when the civil liberties committee (made at the initiative of J.P. under the auspices of CFD), walked out protesting the decision of the Andhra Pradesh Government to hold investigation into "encounter" deaths "in camera". This he maintains is the present stand of the APCLC. The above statement was made to the TLN Reddy Commission of Enquiry on Disappearance in Andhra Pradesh. See, PUCL Bulletin, No.119, February 1992, p.12.
19. John H. Schaar quotes Seymour Martin Lipset. "Legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the Society". See, "Legitimacy in the Modern State", William Connolly, ed., Legitimacy

and the State (Oxford : Basil Blackwell, 1984), p.71.

And according to Juan Linz, legitimacy is "the belief that in spite of shortcomings and failures the existing political institutions are better than any others that might be established and that they therefore can command obedience", Juan Linz, The Breakdown of Democratic Regimes : Crisis, Breakdown and Reequilibration (Baltimore : The John Hopkin Press, 1978), Quoted in Leshe J. Calman, Protest in Democratic India : Authoritys Response to Challenge (Boulder : Westview Press, 1985), p.6.

20. Arun Sinha comments : "Here began the experiment of working with people from outside the faith and from outside the faith within the faith". "Lessons from a Bihar Movement", Economic and Political Weekly (Bombay) 23 April 1988, pp.824-826. Also see, Shailendra Kumar, "Bihar Naxalism Degenerates into Casteism". Indian Express (New Delhi), April 12, 1992.

Also see PUDR and PUCL reports on Bihar mentioned earlier.

21. Pranav Kumar Chaudhary, "Marxists Leninists in Bihar are Introspective", Times of India (New Delhi), 30 July 1990. He also refers to : "the growing chasm between the Liberation group's revolutionary perspective and real life practices in bringing about immense tensions within the group".
22. Since voluntary organisations have always been a mixed bag, groups which are not political parties appear at the open fringe of the voluntary organisations' spectrum. Thus included are the Chattra Yuva Sangharsh Samiti, the Jharkhand Mukti Morcha (now a party with seats in the Parliament), the Bhoomi Sena in Thane Maharashtra and the Shramik Sanghatana in Dhule, Maharashtra.

The above mentioned Maharashtra organisations are non-party groups attempting to politicise the poor, instruct the rural poor in their rights and teach them the method of organising so that they can build up their own movements. They educate on non-alcoholism and gambling too and are decentralised and non-hierarchised. It may be noted that one group inside the Shramik Sanghtana is influenced by Marxist ideas, See Leslie Calman, op.cit. pp.164-174.

23. The Kashmir Report (1990) of the PUCL, CFD, RHA raised controversy. See, letter to the Editor of

M.V. Ramamurthy, Vice President, PUCL (Andhra Pradesh), entitled "The PUCL Report", Indian Express, 6 May 1990. This criticism has been met with other articles. For example, See Editorial PUCL Bulletin, No.99, June 1990.

The protest reaction of the civil liberties groups relating to the issue of mass-rape by security forces at Kuppwara, Kasmir, created a controversy, for a subsequent Press Council findings challenged the authority of the report. It was seen as maligning the armed personnel and lowering their morale. However the Press Council investigations have been criticised too. See Patricia Gossman of Asia Watch, letter to the Editor, 6 February 1992, and see article "Kashmir-Crisis and Credibility", PUCL Bulletin, No.114, September 1991, pp.7 & 12. Later, again followed an article "Crisis of Credibility : A Statement issued by Forum for Women and Politics" PUCL Bulletin (New Delhi), No.118, January 1992, pp.9-12.

24. See, Swapn Das Gupta, op.cit., Also see a letter to Editor by Dr Hari Om, Indian Express (New Delhi) 15 May 1990.
25. See following articles, Subhash Kirpekar, "Pak Propaganda Unlikely to pay Off", Times of India, 28 January 1992; and "Pak Nexus of Asia Watch Report", Times of India (New Delhi), 29 January 1992; also "India Likely to set up own Panel", Times of India (New Delhi), 30 January 1992. Also Ian Martin, "Amnesty Reports are Backed by Facts", Times of India (New Delhi), 6 February 1992. And two letters to the Editor in Times of India (New Delhi) 6 February 1992, - one by Patricia Gossman and the other by Harsh Sethi.
26. This impatience is evident from some letters in the press which voice the feeling that human rights groups are weakening the State.

This substantiates an editorial comment in Lokayan Bulletin. "There is a growing realisation that a weak and insecure state ... can help generate a mind-set particularly among the better off citizens, that all such dissent and protest activity is anti-state, anti-national, inherently destabilising and therefore needsto be put down with a heavy hand". Lokayan Bulletin (Delhi), 5:4/5, p.3.

Says Nayantara Sehgal, "In a situation dominated by fear psychosis civil liberties begin to look, very

unimportant". "We have a Right to Know", Indian Express (New Delhi), 27 October, 1985.

27. In September 1992, the Centre called for a conference of Chief Ministers on the issue of setting up a Human Rights Commission. The major issues to be examined were to be custodial crimes, atrocities against scheduled castes and scheduled tribes, women and children, enforcement of laws for bonded labour, child labour and prison reforms. It would also try to find a way to sensitise the police and the administration.

The issue of institutional reforms, status of the proposed Commission and its relationship with other existing Commissions such as the Scheduled Castes and Scheduled Tribes Commission, Minorities Commission and Women's Commission has to be determined. See, "CMs to discuss new human rights panel", Indian Express (New Delhi), 14 September 1992.

28. "Total Revolution : Concept and Process", PUCL Bulletin, No.35, September 1986, p.14.
29. Though groups inspired by the Total Revolution idea are active in Bihar, having established Lok Samitis in the areas they are active, e.g., the Nav Bharat Jagriti Kendra, the Jan Jagran Kendra, the Rashtriya Lok Samiti, etc. See, Philip Elridge and Nilratan, "Voluntary Organisations and Social Movements in Bihar", mimeographed paper (undated).
30. However it is retained at the state level in Bihar.
31. Mira Savara and Sujatha Gothoskar, "An Assertion of Woman Power : A Case study of the Organizing of Landless Women in Maharashtra", Manushi, Vol.3, No.1, November-December 1982, pp.28-35.
32. Sudesh Vaid, "Breaking Fear's Silence", Manushi, March-April 1979, pp.6-8.
33. Sunder Lal Bahuguna, "Protecting the Sources of Community Life : Non-violent Power in the Chipko Movement", Manushi, July-August 1980, pp.34-36.
34. Gail Omvedt, "Women Roll Bidis, Factory Owners Roll in Wealth", Manushi, No.7, 1981, pp.63-66.
35. Mani Mala, "Zameen Kenkar? Jote Onkar : The Story of Women's Participation in the Bodhgaya Struggle", Manushi, Vol.3, No.2, January-February 1983, pp.2-16. And Madhu Kishwar and Ruth Vanita, "Inheritance Rights for Women", Manushi, No.57, March-April

1990, pp.2-27.

36. Madhu Kishwar, "Challenging the Denial of Land Right. to Women", Manushi, Vol.3, No.1, November-December 1982, pp.2-6.
37. Madhu Kishwar, "Changing the Rules of the Political Game", Manushi, No.39, March-April 1987, pp.13-21.
38. Manushi Editorial, "Why Can't We Report to Each Other?", Manushi, No.7, 1981, pp.2-6.
39. See these statements : ... these police stations are centres of systematic violence ...", "... we know how hummiliating the trial is for the woman victim, how cumbersome and long the legal process and how expensive to buy justice". Ibid., pp.5-6.
40. "What we need to ask ourselves, is whether, when we demand justice, it is only implementation of the existing laws we want? ", Ibid., p.5.
41. Ibid., p.5.
42. "We Shall Examine Everything", see. Editorial from the Inaugural Issue, In Search of Answers : Indian Women's Voices from Manushi, eds., Madhu Kishwar and Ruth Vanita (Delhi : Horizon India, 1991), pp.246-249.
43. Kishwar attributes this also to the Journals absence of political identification with any political party and also to complete non-dependency for funding to any agency. Interview with Researcher, 7th January 1993.

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